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TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 46]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, item 238, is amended to describe the counties in the Defense-Rental Area as follows: "Erie, Huron, Ottawa and Sandusky, except those islands in Lake Erie which are part of Ottawa and Erie Counties."

This decontrols all the islands in Lake Erie which are part of Ottawa and Erie Counties, State of Ohio, a portion of the Sandusky-Port Clinton Defense-Rental Area.

2. Schedule A, item 203b, is amended to describe the counties in the Defense-Rental Area as follows: "Clinton and that portion of Keesville Village in Essex County, except that portion of Clinton County which is within the Town of Clinton."

This decontrols the Town of Clinton, New York, a portion of the Plattsburg Defense-Rental Area, State of New York.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective October 27, 1948.

Issued this 22d day of October 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 46 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in those islands in Lake Erie which are part of Ottawa and Erie Counties, State of Ohio, a portion of the Sandusky-Port Clinton Defense-Rental Area, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met. This does not apply to the peninsula known as Catawba Island which is part of the mainland of Ottawa County.

It is likewise the judgment of the Housing Expediter that the need for continuing maximum rents in the Town of Clinton, New York, a portion of the Plattsburg Defense-Rental Area, State of New York, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said islands in Lake Erie and said Town of Clinton, New York, in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9440; Filed, Oct. 26, 1948; 8:51 a. m.]

[1] 13 F. R. 5706, 5788, 5783, 5937.

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 46]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, item 238, is amended to describe the counties in the Defense-Rental Area as follows: "Erie, Huron, Ottawa and Sandusky, except those islands in Lake Erie which are part of Ottawa and Erie Counties."

This decontrols all the islands in Lake Erie which are part of Ottawa and Erie Counties, State of Ohio, a portion of the Sandusky-Port Clinton Defense-Rental Area.

2. Schedule A, item 203b, is amended to describe the counties in the Defense-Rental Area as follows: "Clinton and that portion of Keesville Village in Essex

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938.

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County, except that portion of Clinton County which is within the Town of Clinton."

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(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective October 27, 1948.

Issued this 22d day of October 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 46 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in those islands in Lake Erie which are part of Ottawa and Erie Counties, State of Ohio, a portion of the Sandusky-Port Clinton Defense-

Rental Area, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met. This does not apply to the peninsula known as Catawba Island which is part of the mainland of Ottawa County.

It is likewise the judgment of the Housing Expediter that the need for continuing maximum rents in the Town of Clinton, New York, a portion of the Plattsburg Defense-Rental Area, State of New York, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said islands in Lake Erie and said Town of Clinton, New York, in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9441; Filed, Oct. 26, 1948; 8:51 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 554—ARMY EXCHANGES

REVOCATION OF PART

Part 554, Army Exchanges, including § 554.1 through § 554.12, is hereby revoked. (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9439; Filed, Oct. 26, 1948; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION; DEPENDENTS' CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 5, § 5.2640 is amended to read as follows:

§ 5.2640 *World War I and World War II.* Rates under Public No. 484, 73d Congress (act of June 28, 1934), as amended; Public Law 312, 78th Congress; sections 1 and 6, Public Law 483, 78th Congress; section 2, Public Law 662, 79th Congress:

	Per month	
	On and after June 1, 1944	On and after Sept. 1, 1946
Widow	$35.00	$42.00
Widow with one child	45.00	54.00
Each additional child	5.00	6.00
Children where there is no widow, total payable equally divided:		
1 child	18.00	21.60
2 children	27.00	32.40
3 children	36.00	43.20
Each additional child	4.00	4.80

The total payable shall not exceed $64.00 for periods prior to December 14, 1944, and $74.00 for periods on or after December 14, 1944 and prior to August 8, 1946 (sec. 2, Pub. Law 483, 78th Cong.) No limitation as to the amount payable is applicable for periods on and after that date. (Pub. Law 673, 79th Cong.) (Secs. 2, 6, 58 Stat. 803, 804, secs. 1, 2, 60 Stat. 910, 931; 38 U. S. C. 471a–3, 504, 731, 735)

CROSS REFERENCE: Apportionment. See § 5.2591.

2. In § 5.2660 a headnote is added covering the entire section, headnotes are assigned to paragraphs (a), (b), (c), (d), and (e), and subparagraphs (a) (2), (c) (1), (2) and (3) are amended.

§ 5.2660 *Under section 12, Public Law 144, 78th Congress*—(a) *Basic entitlement.* Except as provided in §§ 5.2662 and 5.2665, pension, compensation, or retirement pay authorized under laws administered by the Veterans' Administration, to which a person was entitled prior to the date of his death, and not paid during his lifetime, and due and unpaid for a period not to exceed one year prior to death under existing ratings or decisions, or those based on evidence in the file at date of death, shall, upon the death of such person, be paid as hereinafter set forth:

* * * * *

(2) Upon the death of a veteran, to the surviving spouse, or if there be no surviving spouse, to the child or children, dependent mother or father, in the order named: *Provided,* That where at the date of death of a veteran an apportioned share is being paid to or has been withheld on behalf of another person, the apportioned amount remaining unpaid for periods prior to the date of the veteran's death shall be payable to the apportionee: *Provided further,* That where it is determined subsequent to the veteran's death that an increased amount is payable pursuant to the provisions of section 12, Public Law 144, 78th Congress, the apportionee shall be entitled to receive his proportionate share in his own right, subject to the limitation that the increased benefit shall not be payable for more than one year prior to the date of the veteran's death: *Provided further,* That the amount payable to or on behalf of an apportionee shall not be subject to any time limitation as to the date of filing of a claim by the apportionee.

* * * * *

(b) *Asset checks.* A check received by a payee in payment of pension, compensation, or retirement pay shall, in the event of the death of the payee on or after the last day of the period covered by such check, become an asset of the estate of the deceased payee. (Sec. 12, Pub. Law 144, 78th Cong.)

(c) *Definitions.* For the purpose of paying accrued benefits under this section, the following definitions are for application:

(1) The term "spouse" shall mean the legal widow or widower of the veteran irrespective of the date of marriage. Continuous cohabitation is not a factor.

(2) The term "child" is as defined in § 5.2514 (c) and includes an unmarried child who became helpless prior to attaining 18 years of age as well as an unmarried child over the age of eighteen but not over 21 years of age, who was pursuing a course of instruction within the meaning of § 5.2598 (a) at the time of the payee's death, provided only that upon the death of a child in receipt of pension or compensation, any accrued shall be payable to the surviving child or children of the veteran entitled to death pension or compensation.

(3) The term "dependent mother or father" is as defined in § 5.2514 (d): *Provided,* That the mother or father is dependent within the meaning of § 2.1057 of this chapter at the date of the veteran's death.

* * * * *

(d) *Claims under prior laws.* (1) Where claim for the accrued amount due under the laws in effect on or after March 20, 1933, was not filed prior to July 13 or where claim was filed prior to that date and disallowed either in whole or in part because of prior regulatory restrictions, a claim received prior to July 14, 1944, will be adjudicated under the provisions of this section.

(2) A claim pending on July 13, 1943, will be considered a claim under this section.

(e) *Readjustment allowance and subsistence allowance.* Readjustment allowance and subsistence allowance under the provisions of Public Law 346, 78th Congress, as amended, and subsistence allowance under the provisions of Public Law 16, 78th Congress, as amended by Public Law 268, 79th Congress, remaining due and unpaid at the date of the veteran's death, shall be payable under the provisions of this section: *Provided,* That readjustment allowance shall be payable only under the provisions of paragraphs (a) and (c) of this section.

3. In § 5.2662 the introductory paragraph and paragraph (a) are amended, headnotes are added to paragraphs (b), (c), and (d).

§ 5.2662 *Lump sums payable at death of veteran where award was reduced by reason of hospital treatment, institutional or domiciliary care by the Veterans' Administration.* The provisions of this section shall apply only to the payment of amounts actually withheld on a running award pursuant to the provisions of section (1) (A) (1), Public Law 662, 79th Congress, and to the payment of amounts deposited in funds due incompetent beneficiaries for periods on and after August 8, 1946, which are payable in a lump sum after the veteran's death. Accrued benefits, including any amounts in funds due incompetent beneficiaries for periods prior to August 8, 1946 but excluding such lump sums actually withheld for periods on and after that date, are payable in accordance with the provisions of § 5.2660.

(a) *Basic entitlement.* In the event the death of any veteran whose award of disability pension, compensation or retirement pay was reduced pursuant to the provisions of section (1) (A) (1), Public Law 662, 79th Congress, occurs while the veteran is receiving hospital treatment, institutional or domiciliary

care, or prior to payment of any lump sum authorized by that section, such lump sum, as well as amounts deposited in funds due incompetent beneficiaries for periods on and after August 8, 1946, shall be paid in the following order of preference:

* * * * *

(b) *Claim.* No payment shall be made under this section unless claim therefor shall be filed with the Veterans' Administration within 5 years after the death of the veteran: *Provided*, That if any person so entitled be under legal disability at the time of the veteran's death, the 5-year period shall run from the date of termination or removal of the legal disability.

(c) *Lump sum withheld after discharge from institution.* The provisions of paragraphs (a) and (b) of this section shall apply in the event of the death of:

(1) Any veteran prior to receiving a lump sum which was withheld because treatment or care was terminated by him against medical advice or as the result of disciplinary action (sec. (1) (A) (1), Pub. Law 662, 79th Cong.).

(2) Any veteran who was formerly rated incompetent and a lump sum was withheld because a period of 6 months had not expired following a finding of competency (sec. 1 (B), Pub. Law 662, 79th Cong.).

(d) *Asset checks.* The provisions of § 5.2660 (b) shall apply in any case in which a check for a lump sum, as described herein, is received by the payee.

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-9431; Filed, Oct. 26, 1948; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 524]

FLORIDA

REVOKING THE EXECUTIVE ORDER OF DECEMBER 6, 1890, AND WITHDRAWING THE LANDS THEREBY RELEASED FOR RECREATIONAL PURPOSES

By virtue of the authority contained in the act of June 14, 1926, 44 Stat. 741 (43 U. S. C. sec. 869) and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The Executive order of December 6, 1890, withdrawing the following-described public lands for life-saving purposes is hereby revoked.

TALLAHASSEE MERIDIAN

T. 34 S., R. 40 E.
Sec. 25, lot 1;
Sec. 26, lot 1.

The areas described aggregate 43.08 acres.

Subject to valid existing rights, the above described public lands, which have been classified as chiefly valuable for recreational purposes, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for administration or disposal in accordance with the provisions of the act of June 14, 1926.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

OCTOBER 20, 1948.

[F. R. Doc. 48-9425; Filed, Oct. 26, 1948; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Special Direction ODT 18A-1, Amdt. 13]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18A, Revised, as amended, Special Direction ODT 18A-1, as amended (8 F. R. 14481; 9 F. R. 117, 7585; 10 F. R. 12456, 12747; 11 F. R. 9084, 10662, 12183; 12 F. R. 105; 13 F. R. 779, 2174, 3278, 5238), is hereby further amended by changing Items 525 and 885 thereof to read as shown below:

525. (c) *Rice.* Rice, in any type of container, shall be loaded to a weight not less than 60,000 pounds.

* * * * *

885. *Barley, pearled; beans, lentils, and peas, dried.* In packages, straight or mixed carloads, shall be loaded to a weight not less than 60,000 pounds.

This Amendment 13 to Special Direction ODT 18A-1, as amended, shall become effective November 1, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641, E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172, 12 F. R. 1034, 2386, 13 F. R. 2971)

Issued at Washington, D. C., this 22d day of October 1948.

C. R. MEGEE,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 48-9447; Filed, Oct. 26, 1948; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchaper B—National Wildlife Refuge; General Regulations

PART 13—ADMINISTRATION OF WILDLIFE REFUGES ESTABLISHED PURSUANT TO THE ACT OF AUGUST 14, 1946

CRAB ORCHARD NATIONAL WILDLIFE REFUGE, ILLINOIS

Basis and purposes. Pursuant to the provisions of the act of August 5, 1947 (61 Stat. 770) and in cooperation with Federal, State, and public or private agencies and organizations, the Secretary of the Interior has determined that the most beneficial use which may be made of the lands transferred to the Department of the Interior by said act is the establishment of a national wildlife refuge, designated as the Crab Orchard National Wildlife Refuge, to be administered in accordance with the provisions of the act of August 14, 1946 (60 Stat. 1080) so as to permit the multiple uses outlined in the said act of August 5, 1947. To provide for the proper and orderly administration of the said lands for the purposes aforesaid, the following is hereby added to Title 50, Code of Federal Regulations, Part 13, to become effective immediately upon publication in the FEDERAL REGISTER:

§ 13.193 *Crab Orchard National Wildlife Refuge, Illinois*—(a) *Classification of lands.* (1) The hereinafter described lands within the refuge are designated as Area I, and are classified for use and administration as a public use area within which all the various forms of recreational uses, including public hunting and fishing in accordance with state laws, picnicking, boating, swimming and similar activities, shall be permitted in accordance with regulations to be issued by the Director, Fish and Wildlife Service.

Area I: All Federally owned lands within the following described subdivisions:

T. 9 S., R. 1 E., 3d P. M.
Sec. 5, SE¼SW¼, and W½SE¼;
Sec. 7, E½;
Sec. 8, all;
Sec. 9, W½NW¼, W½NE¼SW¼, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 10, NE¼SW¼, S½SW¼, NW¼SE¼, and S½SE¼;
Secs. 15 to 22 incl., all;
Secs. 28 to 33 incl., all.
T. 10 S., R. 1 E., 3d P. M.
Secs. 4 and 5, all;
Sec. 7, E½SE¼;
Secs. 8 and 9, all;
T. 9 S., R. 1 W., 3d P. M.
Secs. 13, 24, and 25, all.

(2) The hereinafter described lands within the refuge are designated as Area II, and are classified as a closed refuge on which all types of hunting will be prohibited, to be used and administered upon such terms and conditions and pursuant to such regulations as may be prescribed by the Director, Fish and Wildlife Service.

The various buildings and related facilities of the former Illinois Ordnance

Plant and the utilities accommodating both governmental and private operations are located within a relatively small segment of Area II. These buildings, facilities, and utilities, excepting those presently utilized by the Department of the Army, are hereby classified as industrial units and, to the extent not required for use by the Government, shall be made available by the Director, Fish and Wildlife Service, for rental under lease to reputable industrial enterprises.

Such uplands within Area II as shall be determined by the Director, Fish and Wildlife Service, to be suitable for development as a quail management demonstration project are hereby so classified, and may be made available by the Director, Fish and Wildlife Service, to the Conservation Department of the State of Illinois, or to any other public agency engaged in wildlife management, under an appropriate cooperative agreement.

Such buildings and facilities of the former administrative site for this area as are not required by the Fish and Wildlife Service for administrative purposes, and are desired by the University of Southern Illinois for educational purposes, are so classified and shall be made available to that institution by the Director, Fish and Wildlife Service, under a nominal rental lease. A maximum of 320 acres of land, within Area II, suitable for an agricultural experimental project, are classified for that purpose, and upon request are to be made available by the Director, Fish and Wildlife Service, under permit to the University of Southern Illinois.

So far as is consistent with the above classifications and uses, the various forms of recreational uses allowed on Area I, other than hunting, shall be permitted on Area II.

Area II: All Federally owned lands within the following described subdivisions:

T. 9 S., R. 1 E., 3d P. M.
Sec. 13, that part lying south of the south right-of-way boundary of State Highway No. 13;
Sec. 14, that part lying south of the south right-of-way boundary of State Highway No. 13;
Secs. 23 to 27, incl., all;
Secs. 34 to 36, incl., all.
T. 10 S., R. 1 E., 3d P. M.
Secs. 1 to 3, incl., all.
Secs. 10 to 12, incl., all.
T. 9 S., R. 2 E., 3d P. M.
Sec. 18, that part lying south and west of the south right-of-way boundary of State Highway No. 13;
Sec. 19, that part lying south of the south right-of-way boundary of State Highway No. 13;
Sec. 20, that part lying south of the south right-of-way boundary of State Highway No. 13;
Sec. 21, that part lying south of the south right-of-way boundary of State Highway No. 13;
Sec. 22, that part lying south of the south right-of-way boundary of State Highway No. 13 and west of the west right-of-way boundary of the Chicago, Burlington and Quincy Railroad;
Sec. 26, that part of the W½SW¼ lying west of the west right-of-way boundary of the Chicago, Burlington and Quincy Railroad;
Sec. 27, that part lying west of the west right-of-way boundary of the Chicago, Burlington and Quincy Railroad;
Secs. 28 to 34 incl., all;
Sec. 35, W½NW¼ and N½NW¼SW¼.
T. 10 S., R. 2 E., 3d P. M.
Secs. 3 to 10 incl., all except the lands utilized by the Department of the Army within the S½NE¼, SE¼NW¼, NE¼SW¼ and NE¼SE¼ of sec. 7.

(3) The hereinafter described lands within the refuge are designated as Area III, and are classified for use and administration as a public use area upon which all of the various forms of public recreation allowed on Area I will be permitted, except that public use of Area III shall be subordinated to group recreation, group camps and private cabin or cottage site development, on lands zoned for those purposes. The area shall be administered in accordance with regulations to be issued by the Director, Fish and Wildlife Service.

Area III. All Federally owned lands within the following described subdivisions:

T. 10 S., R. 1 E., 3d P. M.
Sec. 13, S½SW¼ and SW¼SE¼;
Sec. 14, W½NW¼, NW¼SW¼ and S½S½;
Secs. 15 to 23, inclusive;
Sec. 24, W½W½;
Secs. 26 to 35, inclusive;
Sec. 36, W½.
T. 11 S., R. 1 E., 3d P. M.
Sec. 2, frac. W½NE¼, and frac. NE¼NW¼;
Sec. 3, frac. W½NE¼, frac. E½NW¼, and N½NE¼SW¼;
Sec. 4, frac. NE¼, frac. E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 6, frac. NW¼NE¼ and frac. N½NW¼.
T. 10 S., R. 1 W., 3d P. M.
Sec. 13, SW¼SE¼;
Sec. 24, E½E½;
Sec. 25, SE¼NE¼, E½SE¼SW¼, and SE¼;
Sec. 36, E½.
T. 11 S., R. 1 W., 3d P. M.
Sec. 1, frac. NE¼.

(49 Stat. 383, 60 Stat. 1080, Pub. Law 361, 80th Cong., 61 Stat. 770; 16 U. S. C. 715s)

Dated: October 21, 1948.

[SEAL] WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 48-9436; Filed, Oct. 26, 1948; 8:50 a. m.]

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

DESERT GAME RANGE, NEVADA; DEER HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, the Bureau of Land Management, and the Nevada Fish and Game Commission it has been determined that the population of deer on the Desert Game Range is in excess of the available habitat for such animals and that it is necessary to expand the area open to hunting to accomplish the necessary reduction.

Section 21.227 is amended to read:

§ 21.227 *Desert Game Range, Nevada; deer hunting.* Deer may be taken on certain lands of the United States, hereinafter described within the Desert Game Range, during the open season and in such numbers and sex as may be prescribed by the Nevada Fish and Game Commission, after a joint annual examination of the Range by the Fish and Wildlife Service and the Nevada Fish and Game Commission, subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* The following described lands of the United States within the Desert Game Range shall be open to the hunting of deer:

Beginning at a point where U. S. Highway No. 95 intersects the west boundary of the Desert Game Range, thence southeasterly along said Highway No. 95 to the east boundary of the Desert Game Range, thence south along such boundary to the Red Rock Road, thence westerly along said Red Rock Road to the west boundary of the Desert Game Range, thence north along the said west boundary to the place of beginning.

(b) *Entry.* Entry on and use of the Range for any purpose are governed by the provisions of Parts 12 and 16 of this title, and strict compliance therewith is required.

(c) *State hunting laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Range must have in his possession, and exhibit at the request of any authorized Federal or State officer, a valid State hunting license and a special permit issued by the State authorizing him to hunt on the area. Such State license and permit will serve as a Federal permit for entry on the Range for the purpose of hunting.

(d) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

(Sec. 10, 45 Stat. 1222, sec. 84, 35 Stat. 1088; 60 Stat. 1081; 16 U. S. C. 715i, 18 U. S. C. 145; Reorg. Plan No. II of 1939, 3 CFR Cum. Supp., 4 F. R. 2731; Regulations, Departments of Agriculture and Interior, 2 F. R. 590)

Dated: October 21, 1948.

[SEAL] O. H. JOHNSON,
Acting Director.

[F. R. Doc. 48-9451; Filed, Oct. 26, 1948; 8:55 a. m.]

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

HUNTING IN MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of conservation agents of the State of Oregon it has been determined that habitat conditions have improved to the extent that a part of the Malheur National Wildlife Refuge can be opened to public waterfowl hunting without conflicting materially with the management

of the major part of the Refuge for the protection and preservation of wildlife. Accordingly, to permit properly managed public hunting in the area to be opened, the following section is added to Part 21 of Title 50 Code of Federal Regulations, to become effective October 29, 1948.

§ 21.588a *Malheur National Wildlife Refuge, Oregon; hunting.* Migratory waterfowl, coots, and pheasants may be taken within the hereinafter described area of Malheur National Wildlife Refuge, Oregon, in accordance with the Migratory Bird Treaty Act Regulations (50 CFR 1.1–1.12), when, in manner, and to the extent not prohibited by State law or regulation: *Provided*, That the privileges herein granted shall be exercised in accordance with the provisions of the regulations dated December 19, 1940, for the administration of National Wildlife Refuges under the jurisdiction of the Fish and Wildlife Service and under the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* All that area of land and water owned by the United States in Harney County, Oregon, situated in and abutting on the west end of Malheur Lake, together with part of the Narrows connecting said Malheur Lake with Mud Lake, bounded and described as follows:

Beginning in the east boundary of T. 26 S., R. 31 E., (south of Malheur Lake), the east quarter corner of fractional sec. 25, approximately one-half mile south of and near the west end of Malheur Lake; thence with four courses within said township, west in said fractional sec. 25, 80.00 chs. to the quarter-section corner common to fractional secs. 25 and 26; south with part of the line common to said fractional secs. 25 and 26, 20.00 chs. to the southeast corner of lot four (4) of said fractional sec. 26; in fractional sec. 26, west 40.00 chs., north approximately 2.00 chs. to the corner in the record meander line (known as the Neal Survey Line) of T. 26 S., R. 30 E., (south of Malheur Lake), in the northwest boundary of fractional sec. 26, common to lots five (5) and seven (7) on the southeast side of the Narrows connecting Malheur and Mud Lakes; thence approximately S. 78°15′ W. crossing said Narrows 8.50 chs. to the record meander line (known as the Neal Survey Line) of T. 26 S., R. 31 E. (north of Malheur Lake), the meander corner common to fractional secs. 26 and 35 on the northwest side of the said Narrows; thence with 17 courses in T. 26 S., R. 31 E. (north of Malheur Lake), west with part of the line common to said fractional secs. 26 and 35 approximately 3.00 chs. to the quarter-section corner in said line; in sec. 26, north 40.00 chs., west 20.00 chs., north 20.00 chs., east 20.00 chs., north 20.00 chs. to the quarter-section corner common to fractional secs. 23 and 26; west with the line common to said fractional secs. 23 and 26, 20.00 chs. to the west sixteenth-section corner in said line; in fractional sec. 23, north 40.00 chs., east 40.00 chs., north 20.00 chs., west 20.00 chs., north 20.00 chs. to the quarter-section corner common to fractional secs. 14 and 23; in said fractional sec. 14, north 20.00 chs., east 20.00 chs., north 20.00 chs., east 20.00 chs. to the quarter-section corner common to fractional secs. 13 and 14; east in said fractional sec. 13, 80.00 chs. to the quarter-section corner common to T. 26 S., R. 31 E. (north of Malheur Lake), fractional sec. 13, and T. 26 S., R. 32 E. (north of Malheur Lake), fractional sec. 18; thence with 22 courses in said T. 26 S., R. 32 E. (north of Malheur Lake), in fractional sec. 18, east 20.00 chs., north 20.00 chs., east 20.00 chs., north 20.00 chs., to the quarter-section corner common to fractional secs. 7 and 18; west with part of the line common to said fractional secs. 7 and 18, 20.00 chs. to the west sixteenth-section corner in said line; in fractional sec. 7, north 60.00 chs., east 40.00 chs., north 20.00 chs. to the east sixteenth-section corner common to fractional secs. 6 and 7; west with the line common to said fractional secs. 6 and 7, 40.00 chs. to the west sixteenth-section corner in said line; in fractional sec. 6, north 40.00 chs., east 20.00 chs., south 20.00 chs., east 40.00 chs., to the south sixteenth-section corner common to fractional secs. 5 and 6; south with part of the line common to said fractional secs. 5 and 6, 20.00 chs. to the corner common to fractional secs. 5, 6, 7, and 8; south with the line common to fractional secs. 7 and 8, 80.00 chs. to the corner common to fractional secs. 7, 8, 17, and 18; east with part of the line common to fractional secs. 8 and 17, 20.00 chs. to the west sixteenth-section corner in said line; in fractional sec. 8, north 40.00 chs., east 20.00 chs., north 40.00 chs. to the quarter-section corner common to fractional secs. 5 and 8; in said fractional sec. 5, north 20.00 chs., west 40.00 chs., to the south sixteenth-section corner in the line common to fractional secs. 5 and 6; north with said line 60.00 chs. to the corner common to said fractional secs. 5 and 6, and T. 25 S., R. 32 E. fractional sec. 31 and sec. 32; thence with four courses in said T. 25 S., R. 32 E., north with part of the line common to said fractional sec. 31 and sec. 32, 20.00 chs. to the south sixteenth-section corner in said line; east in sec. 32, 80.00 chs. to the south sixteenth-section corner common to sec. 32 and fractional sec. 33; in fractional sec. 33, east 20.00 chs., south 20.00 chs. to the west sixteenth-section corner in the south boundary of said fractional sec. 33, and in the north boundary of T. 26 S., R. 32 E. (north of Malheur Lake), fractional sec. 4; thence, east with part of the south boundary of said T. 25 S., R. 32 E., fractional sec. 33 and in part with the north boundary of T. 26 S., R. 32 E. (north of Malheur Lake), fractional sec. 4, 60.00 chs. to the corner common to said T. 25 S., R. 32 E., fractional secs. 33 and 34 and in the north boundary of said T. 26 S., R. 32 E. (north of Malheur Lake), fractional sec. 4; thence with 3 courses in T. 25 S., R. 32 E., north with the line common to fractional secs. 33 and 34, 40.00 chs. to the quarter-section corner in said line; in said fractional sec. 34, east 40.00 chs., south 40.00 chs. to the quarter-section corner in the south boundary of T. 25 S., R. 32 E. fractional sec. 34 and in the north boundary of T. 26 S., R. 32 E. (north of Malheur Lake), fractional sec. 3; thence west with part of the line common to said T. 25 S., R. 32 E. and T. 26 S., R. 32 E. (north of Malheur Lake), approximately 10.00 chs. to the west sixteenth-section corner in the north boundary of T. 26 S., R. 32 E. (north of Malheur Lake), sec. 3 and in the south boundary of T. 25 S., R. 32 E., fractional sec. 34; thence with three courses in T. 26 S., R. 32 E. (north of Malheur Lake), in fractional sec. 3, south 40.00 chs., east 20.00 chs., south approximately 36.00 chs. to the record meander line (known as the Neal Survey Line) in the south boundary of said fractional sec. 3, at the corner common to lots ten (10) and eleven (11); thence within Malheur Lake, south approximately 107.60 chs. to a fence; with six courses along a fence S 86°30′ W., 30.35 chs., N 59°15′ W., 44.60 chs., S 47°25′ W., 65.50 chs., S 28°20′ E., 34.00 chs., S 56°25′ W., 35.00 chs., S 64°40′ W., approximately 5.00 chs., S 79°05′ W., leaving fence, approximately 102.00 chs., to a fence; with three courses along a fence, S 16°00′ E., approximately 28.00 chs., N 88°20′ W., 1.90 chs., S 0°50′ E., 49.00 chs., to the record meander line (known as the Neal Survey Line) of T. 26 S., R. 31 E. (south of Malheur Lake), in the north boundary of fractional sec. 30, at the corner common to lots fourteen (14) and fifteen (15) of said fractional sec. 30; thence with three courses in T. 26 S., R. 31 E. (south of Malheur Lake), in fractional sec. 30, south approximately 32.50 chs., to the southeast corner of lot eleven (11), N 56°00′ W. approximately 5.50 chs., west approximately 34.00 chs., to the place of beginning.

(b) *Entry.* Entry on and use of the refuge for any purpose are governed by the regulations of the Secretary dated December 19, 1940, (5 F. R. 5284) and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge as are designated by posting. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-load shotgun shell on the refuge is prohibited.

(c) *Permit.* Any person who hunts within the refuge must have on his person and exhibit at the request of any authorized Federal or State officer whatever license is required by the State law and, if over sixteen years of age, a properly validated migratory bird hunting stamp. The said license and stamp shall serve as a Federal permit for hunting on the refuge.

(d) *Dogs.* Each person hunting on the public shooting ground will be permitted to take his hunting dogs, not to exceed two in number, upon such area for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(e) *Boats.* The use of boats, canoes, or floating devices of any description for the purpose of hunting is prohibited.

(f) *State cooperation.* The cooperation of the Oregon Game Commission may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special rules or regulations as may be necessary for such regulation, management, and operation. In the event such State rules or regulations are issued, compliance therewith shall be a requisite for lawful entry for the purpose of hunting.

Because this section grants certain privileges with respect to the use of the public property described herein which heretofore were not authorized, and because the privileges may be enjoyed only during the open season for hunting migratory waterfowl and coots, which commences in Oregon on October 29, it is found that it is necessary to issue this regulation subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003 (c).

(Sec. 10, 45 Stat. 1222, sec. 84, 35 Stat. 1088, 43 Stat. 98; 16 U. S. C. 715i, 18 U. S. C. 145; Reorg. Plan No. II of 1939, 3 CFR, 1939 Supp., Chap. IV; Regs., Fish and Wildlife Service, 5 F. R. 5284, 10 F. R. 4267)

O. H. JOHNSON,
Acting Director.

OCTOBER 21, 1948.

[F. R. Doc. 48-9464; Filed, Oct. 26, 1948; 8:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1947

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791) and pursuant to the provisions of Public Law 471, 80th Congress.

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR, Part 29) to the amendments made to Chapter 1 of the Internal Revenue Code by the Revenue Act of 1948 (Public Law 471, 80th Congress), enacted April 2, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.11–1 the following:

TITLE I—INCOME TAX REDUCTION

(Revenue Act of 1948)

SEC. 101. REDUCTION OF NORMAL TAX AND SURTAX.

Section 12 (c) of the Internal Revenue Code is hereby amended to read as follows:

(c) *Reduction of tentative normal tax and tentative surtax.* (1) The combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows:

If the aggregate is:	The reduction shall be:
Not over $400	17% of the aggregate.
Over $400 but not over $100,000.	$68 plus 12% of excess over $400.
Over $100,000	$12,020 plus 9.75% of excess over $100,000.

(2) In no event shall the combined normal tax and surtax exceed 77 per centum of the net income.

* * * * *

SEC. 104. TECHNICAL AMENDMENTS.

(a) Section 11 of the Internal Revenue Code (relating to the normal tax on individuals) is hereby amended by striking out "by 5 per centum thereof" and inserting in lieu thereof "as provided in section 12 (c)".

* * * * *

(c) Subsections (d), (e), (f), (g), and (h) of section 12 of the Internal Revenue Code are amended to read as follows:

(e) *Computation of tax without regard to credits against tax.* In the application of this section, the combined normal tax and surtax shall be computed without regard to the credits provided in sections 31, 32, and 35.

(f) *Ascertainment of normal tax and surtax separately.* Whenever it is necessary to ascertain the normal tax and the surtax separately, the surtax shall be an amount which is the same proportion of the combined normal tax and surtax as the tentative surtax is of the aggregate of the tentative normal tax and tentative surtax; and the normal tax shall be the remainder of such combined normal tax and surtax.

* * * * *

SEC. 105. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE.

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

SEC. 301. SPLITTING OF INCOME. (Revenue Act of 1948, Title III.)

Section 12 of the Internal Revenue Code (relating to surtax of individuals) is hereby amended by adding after subsection (c) of such section the following new subsection:

(d) *Tax in case of joint return.* In the case of a joint return of husband and wife under section 51 (b), the combined normal tax and surtax under section 11 and subsection (b) of this section shall be twice the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 were reduced by one-half.

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title III.)

The amendments made by sections 301, * * * shall be applicable with respect to taxable years beginning after December 31, 1947. * * * For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 2. Section 29.11–1, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended by striking out the last two sentences and inserting in lieu thereof the following: "For taxable years beginning after December 31, 1945, and before January 1, 1948, the normal tax on individuals is determined by computing a tentative normal tax of 3 percent of the amount of the net income in excess of the credits against net income provided in section 25 for such years and by reducing such tentative normal tax by 5 percent thereof. For taxable years beginning after December 31, 1947, the normal tax on individuals is determined by computing a tentative normal tax of 3 percent of the amount of the net income in excess of the credits against net income provided in section 25 and by reducing such tentative normal tax as provided in section 12 (c). See § 29.12–2. For computation of tax in the case of a joint return of husband and wife for a taxable year beginning after December 31, 1947, see § 29.12–4.

For treatment of taxable years beginning in 1945 and ending in 1946, see § 29.108–2. For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3."

PAR. 3. There is inserted immediately preceding § 29.12–1 the following:

TITLE I—INCOME TAX REDUCTION

(Revenue Act of 1948)

SEC. 101. REDUCTION OF NORMAL TAX AND SURTAX.

Section 12 (c) of the Internal Revenue Code is hereby amended to read as follows:

(c) *Reduction of tentative normal tax and tentative surtax.* (1) The combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows:

If the aggregate is:	The reduction shall be:
Not over $400	17% of the aggregate.
Over $400 but not over $100,000.	$68 plus 12% of excess over $400.
Over $100,000	$12,020 plus 9.75% of excess over $100,000.

(2) In no event shall the combined normal tax and surtax exceed 77 per centum of the net income.

SEC. 102. REDUCTION IN SUPPLEMENT T TAX.

For reduction in the tax under Supplement T of Chapter 1 of the Internal Revenue Code (tax table which may be used by taxpayer at his election if his adjusted gross income is less than $5,000), see section 401.

SEC. 103. INCOME OF HUSBAND AND WIFE.

For tax in case of joint return of husband and wife (the so-called "splitting of income"), see section 301.

SEC. 104. TECHNICAL AMENDMENTS.

* * * * *

(b) Section 12 (b) of the Internal Revenue Code (relating to the rate of surtax on individuals) is hereby amended by striking out "by 5 per centum thereof" and inserting in lieu thereof "as provided in subsection (c) of this section".

(c) Subsections (d), (e), (f), (g), and (h) of section 12 of the Internal Revenue Code are amended to read as follows:

(e) *Computation of tax without regard to credits against tax.* In the application of this section, the combined normal tax and surtax shall be computed without regard to the credits provided in sections 31, 32, and 35.

(f) *Ascertainment of normal tax and surtax separately.* Whenever it is necessary to ascertain the normal tax and the surtax separately, the surtax shall be an amount which is the same proportion of the combined normal tax and surtax as the tentative surtax is of the aggregate of the tentative normal tax and tentative surtax; and the normal tax shall be the remainder of such combined normal tax and surtax.

(g) *Cross references*—(1) *Alternative tax.* For alternative tax which may be elected if adjusted gross income is less than $5,000, see Supplement T.

(2) *Tax in case of capital gains.* For rate and computation of alternative tax in lieu of normal tax and surtax in the case of capital gain from the sale or exchange of capital assets held for more than 6 months, see section 117 (c).

(3) *Tax on personal holding companies.* For surtax on personal holding companies, see section 500.

(4) *Avoidance of surtaxes by incorporation.* For surtax on corporations which accumulate

surplus to avoid surtax on shareholders, see section 102.

(5) *Sale of oil or gas properties.* For limitation of surtax attributable to the sale of oil or gas properties, see section 105.

SEC. 105. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE.

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

SEC. 301. SPLITTING OF INCOME. (Revenue Act of 1948, Title III.)

Section 12 of the Internal Revenue Code (relating to surtax of individuals) is hereby amended by adding after subsection (c) of such section the following new subsection:

(d) *Tax in case of joint return.* In the case of a joint return of husband and wife under section 51 (b), the combined normal tax and surtax under section 11 and subsection (b) of this section shall be twice the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 where reduced by one-half.

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title III.)

The amendments made by sections 301, * * *, shall be applicable with respect to taxable years beginning after December 31, 1947. * * * For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 4. Section 29.12–1, as amended by Treasury Decision 5517, is further amended by striking out paragraph (c) and inserting in lieu thereof the following:

§ 29.12–1 *Surtax.* * * *

(c) *Taxable years beginning after December 31, 1945, and before January 1, 1948.* For taxable years beginning after December 31, 1945, and before January 1, 1948, there is imposed, in addition to the normal tax, a surtax determined as specified in section 12 upon the surtax net income of every individual, resident or nonresident, except nonresident alien individuals subject to the tax imposed by section 211 (a). The surtax net income for such years is the net income minus the credits provided in section 25 (b) prior to its amendment by the Revenue Act of 1948. Section 12 provides with respect to such taxable years that the surtax shall be 5 percent less than the amount of the tentative surtax computed in accordance with the tentative surtax table contained therein. For treatment of taxable years beginning in 1945 and ending in 1946, see § 29.108–2.

(d) *Taxable years beginning after December 31, 1947.* For taxable years beginning after December 31, 1947, there is imposed, in addition to the normal tax, a surtax determined as specified in section 12, upon the surtax net income of every individual, resident or nonresident, except nonresident alien individuals subject to the tax imposed by section 211 (a). The surtax net income is the net income minus the credits provided in section 25 (b). Section 12 specifies that the surtax shall be determined by computing a tentative surtax in accordance with the tentative surtax table contained therein and by reducing such tentative surtax as provided in section 12 (c). For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3.

PAR. 5. Section 29.12–2, as amended by Treasury Decision 5517, is further amended by striking out the last sentence and inserting in lieu thereof the following:

§ 28.12–2 *Computation of surtax.* * * * For taxable years beginning after December 31, 1945, and prior to January 1, 1948, section 12 provides that the surtax shall be 5 percent less than the tentative surtax. Accordingly, the surtax for any of such taxable years upon a surtax net income of $63,128 would be $33,122.70, computed as follows:

Tentative surtax on $63,128	$34,866.00
Less: 5 percent of $34,866	1,743.30
Surtax	33,122.70

For taxable years beginning after December 31, 1947, section 12 provides that the combined normal tax and surtax shall be determined by reducing the aggregate of the tentative normal tax and tentative surtax as provided in the following table:

If the aggregate of the tentative normal tax and the tentative surtax is:	The reduction shall be:
Not over $400	17% of the aggregate.
Over $400 but not over $100,000.	$68 plus 12% of the excess over $400.
Over $100,000	$12,020 plus 9.75% of the excess over $100,000.

Accordingly, if the normal tax net income and the surtax net income each amounts to $150,000 the combined normal tax and surtax will be $98,647.55, computed as follows:

Tentative normal tax: 3 percent of $150,000	$4,500.00
Tentative surtax on $150,000 from table	107,320.00
Aggregate of tentative normal tax and tentative surtax	111,820.00
Reduction of tentative tax: $12,020 plus 9.75 percent of $11,820 (excess of the aggregate tentative tax over $100,000)	13,172.45
Combined normal tax and surtax	98,647.55

Section 12 (f), as amended by the Revenue Act of 1948, provides that, whenever it is necessary to ascertain the normal tax and the surtax separately for a taxable year beginning after December 31, 1947, the surtax shall be an amount which is the same proportion of the combined normal tax and surtax as the tentative surtax is of the aggregate of the tentative normal tax and tentative surtax and the normal tax shall be the remainder of such combined normal tax and surtax. Such computation, for example, is necessary for the purpose of section 105, relating to tax on the gain from the sale of oil or gas properties and for the purpose of section 106, relating to tax on amounts received with respect to claims against the United States involving acquisition of property. The surtax on the net income of $150,000 involved in the above example would under section 12 (f) be $98,647.55 (combined normal tax and surtax) multiplied by

$$\frac{107{,}320 \text{ (tentative surtax)}}{111{,}820 \text{ (tentative total tax)}},$$

or $94,677.65, and the normal tax would be $98,647.55 minus $94,677.65, or $3,969.90.

For computation of tax in the case of a joint return of husband and wife for a taxable year beginning after December 31, 1947, see § 29.12–4.

PAR. 6. Section 29.12–3, as amended by Treasury Decision 5517, is hereby further amended as follows:

(A) By inserting immediately after "December 31, 1945," in the second sentence "and before January 1, 1948,".

(B) By inserting at the end thereof the following: "For taxable years beginning after December 31, 1947, the combined normal tax and surtax, computed before the application thereto of the credit provided in section 31 (relating to the credit for foreign income tax), section 32 (relating to the credit for tax withheld at the source under section 143 or section 144), and section 35 (relating to the credit for tax withheld on wages), cannot exceed an amount equal to 77 percent of the taxpayer's net income for the taxable year. For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3."

PAR. 7. There is inserted immediately after § 29.12–3 the following section:

§ 29.12–4 *Combined normal tax and surtax in case of joint return of husband and wife for taxable years beginning after December 31, 1947.* In the case of a joint return of husband and wife (see section 51 (b)) for a taxable year beginning after December 31, 1947, the combined normal tax and surtax under section 11 and section 12 (b) shall be twice the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 were reduced by one-half. (Section 12 (d).) For method of computing gross income and adjusted gross income on a joint return, see § 29.51–1.

The method of computing, under section 12 (d), the tax of husband and wife, in the case of a joint return, is as follows:

First, the net income and applicable credits against net income are reduced by one-half. Second, the tentative normal tax and tentative surtax are determined as provided in section 11 and section 12 (b), by using the net income and applicable credits so reduced. Third, the tentative normal tax and tentative surtax so determined are aggregated and this aggregate tentative tax is then reduced as provided in section 12 (c). Fourth, this reduced aggregate, which is the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 were reduced by one-half, is then multiplied by two, to produce the tax imposed in the case of the joint return.

The limitation under section 12 (c) of the combined normal tax and surtax to an amount not in excess of 77 percent of the net income is to be applied before

the fourth step above, that is, the limitation is to be applied upon the combined normal tax and surtax determined under section 12 (c) as 77 percent of one-half of the net income (such one-half of the net income being the actual aggregate net income of the spouses reduced by one-half). After such limitation is applied, then the combined normal tax and surtax so limited are multiplied by two as provided in section 12 (d).

The following computation illustrates the method of application of section 12 (d) in the determination of the tax of a husband and wife filing a joint return for the calendar year 1948. If the joint net income is $8,200 and the only allowable credits under section 25 are the two exemptions of the taxpayers under section 25 (b) (1) (A), the tax on the joint return for 1948 is $1,244.80, determined as follows:

1. Net income	$8,200.00
2. Net income reduced by one-half	4,100.00
3. Credits against net income under sec. 25 (2 exemptions under sec. 25 (b) (1) (A))	1,200.00
4. Credits in item 3 reduced by one-half	600.00
5. Net income reduced by one-half (item 2) minus credits reduced by one-half (item 4)	3,500.00
6. Tentative normal tax computed under sec. 11 on amount in item 5 (3 percent of $3,500)	105.00
7. Tentative surtax computed under sec. 12 (b) on amount in item 5 ($340 plus 19 percent of excess of $3,500 over $2,000)	625.00
8. Aggregate of the tentative normal tax and tentative surtax	730.00
9. Combined normal tax and surtax determined under sec. 12 (c) ($730 reduced by $68 plus 12 percent of the excess of $730 over $400)	622.40
10. Twice the combined normal tax and surtax determined in item 9	1,244.80

If the alternative tax is computed under section 117 (c) (2), relating to the alternative tax where a taxpayer (other than a corporation) has a net long-term capital gain in excess of a net short-term capital loss, the partial tax shall be computed under sections 11 and 12 as stated above but without inclusion of such excess in net income, and the total tax shall be such partial tax plus 50 percent of such excess as provided in section 117 (c) (2).

For computation of tax under Supplement T in the case of a joint return, see §§ 29.400–1 and 29.401–1.

For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3.

PAR. 8. Section 29.22 (m)–1, as added by Treasury Decision 5425, approved December 29, 1944, is amended as follows:

(A) By striking out the second sentence and inserting in lieu thereof the following: "Such compensation, therefore, shall be included in the gross income of the child and reflected in the return rendered by or for such child if the gross income for the taxable year amounts to $500 or more in the case of a taxable year beginning after December 31, 1943 and before January 1, 1948, or to $600 or more in the case of a taxable year beginning after December 31, 1947. See § 29.51–3."

(B) By striking from the third sentence ", whether more or less than $500,".

PAR. 9. There is inserted immediately preceding § 29.23 (x)–1 the following:

SEC. 304. DEDUCTION FOR MEDICAL EXPENSES. (Revenue Act of 1948, Title III.)

Section 23 (x) of the Internal Revenue Code (relating to deduction of medical, etc., expenses) is hereby amended by striking out the second and third sentences thereof and inserting in lieu thereof the following: "The deduction shall not be in excess of $1,250 multiplied by the number of exemptions allowed under section 25 (b) for the taxable year (exclusive of exemptions allowed under section 25 (b) (1) (B) or (C)), with a maximum deduction of $2,500, except that the maximum deduction shall be $5,000 in the case of a joint return of husband and wife under section 51 (b)."

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title III.)

The amendments made by sections * * * 304 shall be applicable with respect to taxable years beginning after December 31, 1947. * * * For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 10. Section 29.23 (x)–1, as amended by Treasury Decision 5517 is further amended as follows:

(A) By inserting immediately preceding "29.25–6" in the first sentence of the second paragraph "89.25–3 and".

(B) By striking out the fifth sentence of the second paragraph and inserting in lieu thereof the following: "If the deduction for the prior year would have been greater but for the limitations on the maximum amount of such deduction provided by section 23 (x), then, for purposes of the two preceding sentences, the amount of the compensation received in a subsequent year or years shall be reduced by an amount equal to the amount by which the deduction for the prior year would, but for the applicable maximum limitations, have been increased. For the computations illustrating this rule, see examples (3) and (4) at the end of this section.

(C) By striking out the third sentence of the fifth paragraph and inserting in lieu thereof the following: "The maximum deduction allowable for medical expenses paid in any one taxable year beginning after December 31, 1943, and before January 1, 1948, is $1,250 in the case of a taxpayer having only one exemption under section 25 (b) (prior to its amendment by the Revenue Act of 1948), and $2,500 in the case of a taxpayer entitled to more than one exemption under section 25 (b) (prior to its amendment by the Revenue Act of 1948). The maximum deduction allowable for medical expenses paid in any one taxable year beginning after December 31, 1947, is $1,250 multiplied by the number of exemptions allowed under section 25 (b) (exclusive of exemptions allowed under section 25 (b) (1) (B) for taxpayer or spouse attaining the age of 65 years or section 25 (b) (1) (C) for blind taxpayer or blind spouse) but not in excess of $2,500 in the case of a single individual or a married individual making a separate return and not in excess of $5,000 in the case of a joint return of husband and wife."

(D) By adding at the end of such section after example (4) the following new example:

Example (5). H and W make a joint return for the calendar year 1948, on which five exemptions are allowed (exclusive of exemptions under section 25 (b) (1) (B) or (C)), one for each taxpayer and three for their dependent minor children. The adjusted gross income of H and W in 1948 is $40,000. They pay during that year $9,000 for medical care, no part of which is compensated for by insurance or otherwise. The deduction allowable under section 23 (x) for the calendar year 1948 is $5,000, computed as follows:

Payment for medical care in 1948	$9,000
Less: 5 percent of $40,000 (adjusted gross income)	2,000
Excess of medical expenses in 1948 over 5 percent of adjusted gross income	7,000
Allowable deduction for 1948 ($1,250 multiplied by 5 exemptions allowed under section 25 (b) (1) (A) and (D) but not in excess of $5,000)	5,000

PAR. 11. There is inserted immediately preceding § 29.23 (y)–1 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948.)

* * * * *

(e) *Repeal of deduction for blind individuals.* Effective with respect to taxable years beginning after December 31, 1947, section 23 (y) of such Code (relating to special deduction for blind individuals) is repealed.

PAR. 12. Section 29.23 (y)–1, as amended by Treasury Decision 5451, approved April 17, 1945, is further amended as follows:

(A) By inserting immediately after "December 31, 1943," in the first sentence the words "and before January 1, 1948,".

(B) By adding at the end of such section the following: "For additional exemptions allowed for taxable years beginning after December 31, 1947, for blind taxpayer or blind spouse, see section 25 (b) (1), as amended by the Revenue Act of 1948, and § 29.25–3 (d)."

PAR. 13. There is inserted immediately preceding § 29.23 (aa)–1 the following:

SEC. 302. STANDARD DEDUCTION. (Revenue Act of 1948, Title III.)

(a) *Increase of standard deduction in case of joint return or return by unmarried person.* Section 23 (aa) (1) (A) of the Internal Revenue Code (relating to the standard deduction) is hereby amended to read as follows:

(A) *Adjusted Gross Income $5,000 or More.* If his adjusted gross income is $5,000 or more, the standard deduction shall be $1,000 or an amount equal to 10 per centum of the adjusted gross income, whichever is the lesser, except that in the case of a separate return by a married individual, the standard deduction shall be $500.

(b) *Election by husband and wife.* Section 23 (aa) (4) of such Code is hereby amended to read as follows:

(4) *Husband and wife.* In the case of husband and wife, the standard deduction shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction.

(c) *Determination of status.* Section 23 (aa) of such Code is hereby amended by adding at the end thereof the following new paragraph:

(6) *Determination of status.* For the purposes of this subsection:

(A) The determination of whether an individual is married shall be made as of the close of his taxable year, unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and

(B) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title III.)

The amendments made by sections * * * 302, * * * shall be applicable with respect to taxable years beginning after December 31, 1947. * * * For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 14. Section 29.23 (aa)-1, as added by Treasury Decision 5425, is amended as follows: (A) By striking out the third and fourth sentences of paragraph (a) and inserting in lieu thereof the following:

§ 29.23 (aa)-1 *Standard deduction*—(a) *General.* * * * In the case of taxpayers whose adjusted gross income is $5,000 or more, the standard deduction for taxable years beginning after December 31, 1943, and before January 1, 1948, is $500. In the case of such taxpayers, the standard deduction for taxable years beginning after December 31, 1947, is $1,000 or 10 percent of adjusted gross income, whichever is the lesser, except that in the case of a separate return by a married individual, the standard deduction is $500. For the purpose of the preceding sentence, the determination of whether an individual is married shall be made as of the close of his taxable year unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and an individual shall be considered as married even though living apart from his spouse unless legally separated under a decree of divorce or separate maintenance. In the case of taxpayers whose adjusted gross income is less than $5,000, the standard deduction is about 10 percent of the adjusted gross income upon which the tax is determined in the table provided in section 400. A taxpayer having adjusted gross income of less than $5,000, who does not elect to pay the tax imposed by Supplement T, may not take the standard deduction.

In the case of a joint return, there is only one adjusted gross income and only one standard deduction. For example, if a husband has an income of $15,000 and his spouse has an income of $12,000 for the taxable year for which they file a joint return, and they have no deductions allowable for the purposes of computing adjusted gross income, the adjusted gross income is $27,000, and the standard deduction, if the joint return is for a taxable year beginning before January 1, 1948, is $500 (and not $1,000) and if the joint return is for a taxable year beginning after December 31, 1947, is $1,000 (and not $2,000).

(B) By striking out the second sentence of subparagraph (1) of paragraph (b) and inserting in lieu thereof the following: "Such taxpayer shall so signify on his return by claiming thereon the deduction in the amount provided for in section 23 (aa) instead of itemizing the deductions allowable under section 23 other than those specified in section 22 (n). The amount to be claimed on the return by such taxpayer for taxable years beginning after December 31, 1943, and before January 1, 1948, is $500 and for taxable years beginning after December 31, 1947, is $1,000 or 10 percent of the adjusted gross income, whichever is lesser (except that in the case of a separate return by a married individual, the amount is $500)."

(C) By striking from the first sentence of paragraph (c) the expression "living together" and inserting in lieu thereof the following "(except as qualified below)".

(D) By striking out the last two sentences of the third paragraph of (c) and inserting in lieu thereof the following: "For taxable years beginning before January 1, 1948, the restriction applies only in the case of a husband and wife living together and for such purpose the spouses are considered as living together unless they are permanently separated. For taxable years beginning after December 31, 1947, the restriction applies unless the spouses are legally separated under a decree of divorce or separate maintenance. The determination of whether an individual is married and living with his spouse for the purpose of the standard deduction for taxable years beginning before December 31, 1947, shall be made as of the last day of such individual's taxable year unless his spouse dies during such taxable year, in which event the determination shall be made as of the date of death of such spouse. Similarly, the determination of whether an individual is married (whether or not living with his spouse unless legally separated under a decree of divorce or separate maintenance) for the purpose of the allowance of the standard deduction for taxable years beginning after December 31, 1947, shall be made as of the last day of such individual's taxable year unless his spouse dies during such taxable year, in which event the determination shall be made as of the date of death of such spouse."

(E) By adding at the end of such section the following:

Example (3). Taxpayer A and his wife B both make their returns on a calendar year basis. In July 1948 they enter into a separation agreement and thereafter live apart but no decree of divorce or separate maintenance is issued until March 1949. If A itemizes and claims his actual deductions on his return for the calendar year 1948 B may not elect the standard deduction on her return for such year since B is considered as married to A (although permanently separated by agreement) on the last day of 1948.

PAR. 15. There is inserted immediately preceding § 29.25-1 the following:

SEC. 201. ADDITIONAL CREDITS AGAINST NET INCOME FOR NORMAL TAX AND SURTAX. (Revenue Act of 1948, Title II.)

Paragraphs (1) and (2) of section 25 (b) of the Internal Revenue Code are hereby amended to read as follows:

(1) *Credits.* There shall be allowed for the purposes of both the normal tax and the surtax, the following credits against net income:

(A) An exemption of $600 for the taxpayer; and an additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(B) (i) An additional exemption of $600 for the taxpayer if he has attained the age of 65 before the close of his taxable year; and

(ii) An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(C) (i) An additional exemption of $600 for the taxpayer if he is blind at the close of his taxable year; and

(ii) An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For the purposes of this clause the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death;

(iii) For the purposes of this subparagraph an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

(D) An exemption of $600 for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $500, except that the exemption shall not be allowed in respect of a dependent who has made a joint return with his spouse under section 51 for the taxable year beginning in such calendar year.

(2) *Determination of status.* For the purposes of this subsection:

(A) The determination of whether an individual is married shall be made as of the close of his taxable year, unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and

(B) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 16. Section 29.25-3, as amended by Treasury Decision 5517, is hereby amended by striking out that portion designated as "(c)" and inserting in lieu thereof the following:

§ 29.25-3 *Personal exemption, surtax exemptions, and exemptions for both normal tax and surtax.* * * *

(c) *Taxable years beginning after December 31, 1945, and before January 1, 1948.* For the purpose of the normal tax and surtax on individuals for taxable years beginning after December 31, 1945,

and before January 1, 1948, there are allowed as credits against net income the exemptions allowed by section 25 (b) prior to its amendment by the Revenue Act of 1948. Except that such exemptions are not designated "surtax exemptions" for such years and that they are allowable for the purpose of the normal tax as well as the surtax for such years, the provisions of paragraph (b) above are applicable thereto.

(d) *Taxable years beginning after December 31, 1947*—(1) *In general.* For the purposes of the normal tax and the surtax on individuals for taxable years beginning after December 31, 1947, there are allowed as credits against net income the exemptions specified in section 25 (b) as amended by the Revenue Act of 1948. Such credits include (i) the exemptions for an individual taxpayer and spouse (the so-called personal exemptions), (ii) the additional exemptions for a taxpayer attaining the age of 65 years and spouse attaining the age of 65 years (the so-called old-age exemptions), (iii) the additional exemptions for a blind taxpayer and a blind spouse, and (iv) the exemptions for dependents of the taxpayer.

(2) *Exemptions for individual taxpayer and spouse (so-called personal exemptions).* There are allowed by section 25 (b) (1) (A) an exemption of $600 for the taxpayer and an additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. Since, in the case of a joint return, there are two taxpayers (although under section 51 (b) there is only one income for the two taxpayers on such return—i. e., their aggregate income), two exemptions of $600 are allowed on such return, one for each taxpayer spouse. If in any case a joint return is made by the taxpayer and his spouse, no exemption is allowed any other person for such spouse even though such other person would have been entitled to claim an exemption for such spouse as a dependent if such joint return had not been made.

(3) *Exemptions for taxpayer attaining the age of 65 and spouse attaining the age of 65 (so-called old-age exemptions).* Section 25 (b) (1) (B) provides an additional exemption of $600 for the taxpayer if he has attained the age of 65 before the close of his taxable year. An additional exemption of $600 is also allowed to the taxpayer for his spouse if a separate return is made by the taxpayer and if the spouse has attained the age of 65 before the close of the taxable year of the taxpayer and, for the calendar year in which the taxable year of the taxpayer begins, the spouse has no gross income and is not the dependent of another taxpayer. If a husband and wife make a joint return, an old-age exemption of $600 will be allowed as to each taxpayer spouse who has attained the age of 65 before the close of the taxable year for which the joint return is made. The exemptions under section 25 (b) (1) (B) are in addition to the exemptions for the taxpayer and spouse under section 25 (b) (1) (A).

In determining the age of an individual for the purposes of the exemption for old age, the last day of the taxable year of the taxpayer is the controlling date. Thus, in the event of a separate return by a husband, no additional exemption for old age may be claimed for his spouse unless such spouse has attained the age of 65 on or before the close of the taxable year of the husband. In no event shall the additional exemption for old age be allowed on a separate return of the taxpayer with respect to a spouse who dies before attaining the age of 65 even though such spouse would have attained the age of 65 before the close of the taxable year of the taxpayer. For the purposes of the old-age exemption, an individual attains the age of 65 on the first moment of the day preceding his sixty-fifth birthday. Accordingly, an individual whose sixty-fifth birthday falls on January 1 in a given year attains the age of 65 on the last day of the calendar year immediately preceding.

(4) *Exemptions for the blind.* Section 25 (b) (1) (C) provides an additional exemption of $600 for the taxpayer if he is blind at the close of his taxable year. An additional exemption is also allowed to the taxpayer for his spouse if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. The determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death.

The exemptions for the blind, applicable to taxable years beginning after December 31, 1947, replace the special deduction for the blind provided in section 23 (y) prior to its repeal by the Revenue Act of 1948. The exemptions are in addition to the exemptions for the taxpayer and spouse under section 25 (b) (1) (A) and are also in addition to the exemptions under section 25 (b) (1) (B) for taxpayers and spouses attaining the age of 65 years. Thus, a single individual who has, before the close of his taxable year, attained the age of 65 years and who is blind at the close of his taxable year is entitled, in addition to the so-called personal exemption of $600, to two further exemptions, each of $600, one by reason of his age and the other by reason of his blindness. If a husband and wife make a joint return, an exemption of $600 for the blind will be allowed as to each taxpayer spouse who is blind at the close of the taxable year for which the joint return is made.

A taxpayer claiming an exemption allowed by section 25 (b) (1) (C) for a blind taxpayer or a blind spouse shall, if the individual for whom the exemption is claimed is not totally blind as of the last day of the taxable year of the taxpayer (or in the case of a spouse who dies during such taxable year as of the time of such death), attach to his return a certificate from a physician skilled in the diseases of the eye or a registered optometrist stating that as of the applicable status determination date in the opinion of such physician or optometrist (i) the central visual acuity of the individual for whom the exemption is claimed did not exceed 20/200 in the better eye with correcting lenses or (ii) such individual's visual acuity was accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. If such individual is totally blind as of the status determination date there shall be attached to the return a statement by the person or persons making the return setting forth such fact.

(5) *Exemptions for dependents.* Section 25 (b) (1) (D) allows to a taxpayer an exemption of $600 for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $500, who receives more than one-half of his support from the taxpayer for such calendar year and who does not file a joint return with his spouse. For the purposes of this credit a dependent is a person who is related to the taxpayer within one of the following relationships: child; the descendants of such child; stepchild; brother; sister; brother or sister by the half blood; stepbrother or stepsister; parent; the ancestors of such parent; stepfather or stepmother; son or daughter of the taxpayer's brother or sister; brother or sister of the taxpayer's father or mother; son-in-law; daughter-in-law; father-in-law; mother-in-law; brother-in-law; or sister-in-law. In the case of a joint return it is not necessary that the prescribed relationship exist between the person claimed as a dependent and the spouse who furnishes the support; it is sufficient if the prescribed relationship exists with respect to either spouse. Thus, a husband and wife making a joint return may claim as a dependent a daughter of the wife's brother (wife's niece) even though the husband is the one who furnishes the chief support. The relationship of affinity once existing will not terminate by divorce or the death of a spouse. A legally adopted child of a person shall be considered a child of such person by blood. A citizen or subject of a foreign country may not be claimed as a dependent, unless he is a resident of the United States, Canada, or Mexico at some time during the calendar year in which the taxable year of the taxpayer begins. Whether or not over half of a person's support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer shall be determined by reference to the amount of expense incurred by the taxpayer for such support. A payment to a wife which is includible under section 22 (k) or section 171 in the gross income of such wife shall not be considered a payment by her husband for the support of any dependent.

The only exemption allowed for a dependent of the taxpayer is that provided by section 25 (b) (1) (D). The exemptions provided by section 25 (b) (1) (B) (old-age exemptions) and section 25 (b) (1) (C) (exemptions for the blind) are allowed only for the taxpayer or his

spouse. Thus, if a taxpayer provides the entire support of his father, who meets all the requirements of a dependent under section 25 (b) (3) and who is over the age of 65 years, the taxpayer is entitled only to the one exemption under section 25 (b) (1) (D) of $600 for his father as a dependent, and is not entitled to any additional exemption because of his father's age.

(6) *Determination of husband and wife status.* For the purpose of determining the right of an individual to claim an exemption for his spouse under section 25 (b) the determination of whether such individual is married shall be made as of the close of his taxable year, unless his spouse dies during such year, in which case such determination shall be made as of the time of such death. An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

PAR. 17. There is inserted immediately preceding § 29.51–1 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948, Title II.)

* * * * *

(c) *Requirement of returns*—(1) *Individual returns.* Section 51 (a) of the Internal Revenue Code (relating to the requirement of individual returns) is hereby amended by striking out "$500" and inserting in lieu thereof "$600".

* * * * *

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

SEC. 303. JOINT RETURNS OF HUSBAND AND WIFE. (Revenue Act of 1948, Title III.)

Section 51 (b) of the Internal Revenue Code (relating to joint returns) is hereby amended to read as follows:

(b) *Husband and wife*—(1) *In general.* A husband and wife may make a single return jointly. Such a return may be made even though one of the spouses has neither gross income nor deductions. If a jonit return is made the tax shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several.

(2) *Nonresident alien.* No joint return may be made if either the husband or wife at any time during the taxable year is a nonresident alien.

(3) *Different taxable years.* No joint return shall be made if the husband and wife have different taxable years; except that if such taxable years begin on the same day and end on different days because of the death of either or of both, then the joint return may be made with respect to the taxable year of each. The above exception shall not apply if the surviving spouse remarries before the close of his taxable year, nor if the taxable year of either spouse is a fractional part of a year under section 47 (a).

(4) *Joint return after death.* In the case of the death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if (A) no return for the taxable year has been made by the decedent, (B) no executor or administrator has been appointed, and (C) no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within one year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

(5) *Determination of status.* For the purposes of this section:

(A) The status as husband and wife of two individuals having taxable years beginning on the same day shall be determined:

(i) If both have the same taxable year—as of the close of such year; and

(ii) If one dies before the close of the taxable year of the other—as of the time of such death; and

(B) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

(6) *Tax in case of joint return.* For determination of combined normal tax and surtax under section 11 and section 12 (b) in case of joint return under this subsection, see section 12 (d). For tax in case of joint return of husband and wife electing to pay the tax under Supplement T, see section 400.

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title III.)

The amendments made by sections * * * 303, * * * shall be applicable with respect to taxable years beginning after December 31, 1947. The amendment made by section 303 shall also be applicable to taxable years of both husband and wife beginning on the same day in 1947 if at least one of such taxable years ends in 1948. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 18. Section 29.51–1, as amended by Treasury Decision 5600, approved February 2, 1948, is further amended as follows:

(A) By inserting before the period in the heading of subparagraph (3) of paragraph (a) the following: *", and before January 1, 1948"*.

(B) By inserting in subparagraph (3) of paragraph (a) after "December 31, 1945," the following: "and before January 1, 1948,".

(C) By inserting after subparagraph (3) of paragraph (a) a new subparagraph (4) to read as follows:

(4) *Taxable years beginning after December 31, 1947.* For each taxable year beginning after December 31, 1947, a return of income shall be made by each citizen of the United States, whether residing at home or abroad, and every individual residing within the United States though not a citizen thereof, regardless of family or marital status, if such citizen or resident has for such taxable year a gross income of $600 or more, or a gross income in excess of the credit allowed by section 25 (b) prorated as provided in section 47 (e).

(D) By striking out paragraph (b) and inserting in lieu thereof the following:

(b) *Joint returns*—(1) *In general.* For taxable years beginning prior to January 1, 1944, a husband and wife, if living together at the close of the taxable year, may elect to make a joint return (see section 51 (b)) even though one has no gross income. For taxable years beginning after December 31, 1943, a husband and wife occupying the marital status as of the last day of the taxable year may elect to make a joint return even though one of the spouses has no gross income or deductions, and even though the spouses are not living together at any time during the taxable year. However, for the purpose of filing a joint return for taxable years with respect to which the amendments made to section 51 (b) by section 303 of the Revenue Act of 1948 are applicable (taxable years beginning after December 31, 1947, and taxable years of both husband and wife beginning on the same day in 1947 if at least one of such taxable years ends in 1948), an individual legally separated from his spouse under a decree of separate maintenance shall not be considered as married.

A joint return may not be made by a husband and wife for a taxable year if a separate return has been filed by one of the spouses and the time for filing the return of such spouse has expired. Similarly, if a joint return is filed, separate returns may not be made by the spouses after the time for filing the return of either has expired. See, however, subparagraph (2) of this paragraph for the right of an executor to file a late separate return for a deceased spouse and thereby disaffirm a timely joint return made by the surviving spouse.

If a joint return is made, the gross income and adjusted gross income of husband and wife on the joint return are computed in an aggregate amount and the deductions allowed and the net income are likewise computed on an aggregate basis. Deductions limited to a percentage of the adjusted gross income, such as the deduction for charitable contributions under section 23 (o), will be allowed with reference to such aggregate adjusted gross income. Similarly, in the case of a joint return, losses of husband and wife from sales or exchanges of capital assets are combined and such combined losses are allowed under section 117 (d) (2) only to the extent of the combined gains of the spouses from such sales or exchanges, plus the net income or $1,000 whichever is smaller. The "net income" referred to in section 117 (d) (2) is the net income computed before reduction by one-half for the purposes of income splitting under section 12 (c) and is such net income computed without regard to gains and losses from sales or exchanges of capital assets. Although there are two taxpayers on a joint return, there is only one net income. The tax on the joint return shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several. A joint return may not be made if either the husband or wife at any time during the taxable year is a nonresident alien. For computation of tax on the basis of the splitting of income in the case of a joint return for taxable years beginning after December 31, 1947, see § 29.12–4. For tax in the case of a joint return of husband and wife electing to pay the tax

under Supplement T, see §§ 29.400–1 and 29.401–1.

A joint return of a husband and wife (if not made by an agent) shall be signed by both spouses. An oath is not necessary, but both spouses shall verify the return as provided in section 51. If signed by one spouse as agent for the other, authorization for such action must accompany the return. The spouse acting as agent for the other shall, with the principal, assume the responsibility for making the return and incur liability for the penalties provided for erroneous, false, or fraudulent returns. See § 29.51–2.

(2) *Joint return after death.* Since in general a joint return may not be made if husband and wife have different taxable years, and since the taxable year of an individual closes as of the date of his death (see § 29.47–1), no joint return may be made for any taxable year, except as provided by section 51 (b), as amended by the Revenue Act of 1948, if one spouse dies prior to the last day of such taxable year. Section 51 (b), as amended by the Revenue Act of 1948, provides with respect to taxable years of spouses beginning after December 31, 1947 (and with respect to taxable years of spouses beginning on the same day in 1947 if at least one of such taxable years ends in 1948), that a joint return may be made for the survivor and the deceased spouse if the taxable years of such spouses begin on the same day and end on different days only because of the death of either or both. Thus, if a husband and wife make their returns on a calendar year basis, and the wife dies on August 1, 1948, a joint return may be made with respect to the calendar year 1948 of the husband and the taxable year of the wife beginning on January 1, 1948, and ending with her death on August 1, 1948. Similarly, if husband and wife both make their returns on the basis of a fiscal year beginning on July 1 and the wife dies on October 1, 1947, a joint return may be made with respect to the fiscal year of the husband beginning on July 1, 1947, and ending on June 30, 1948, and with respect to the taxable year of the wife beginning on July 1, 1947, and ending with her death on October 1, 1947. For the purposes of this subparagraph the status of two individuals as husband and wife, if one dies prior to the close of the taxable year of the other, shall be determined as of the time of such death.

The provision allowing a joint return to be made for the taxable year in which the death of either or both spouses occurs is subject to two exceptions. The first exception is that if the surviving spouse remarries before the close of his taxable year, he may not make a joint return with the first spouse who died during the taxable year. In such a case, however, the surviving spouse may make a joint return with his new spouse provided that the other requirements of section 51 (b) are met. The second exception is that the surviving spouse may not make a joint return with the deceased spouse if the taxable year of either spouse is a fractional part of a year under section 47 (a) resulting from a change of accounting period. For example, if a husband and wife make their returns on the calendar year basis and the wife dies on March 1, 1948, and thereafter the husband receives permission to change his accounting period to a fiscal year beginning July 1, 1948, no joint return may be made for the short taxable year ending June 30, 1948. Similarly, if a husband and wife who make their returns on a calendar year basis receive permission to change to a fiscal year beginning July 1, 1948, and the wife dies on June 1, 1948, no joint return may be made for the short taxable year ending June 30, 1948.

Section 51 (b) (4), as added by the Revenue Act of 1948, provides for the method of making a joint return in the case of the death of one spouse or both spouses where the return is for taxable years beginning on the same day after December 31, 1947, or for the taxable years beginning on the same day in 1947 if at least one of such taxable years ends in 1948. The general rule is that, in the case of the death of one spouse, or of both spouses, the joint return with respect to the decedent may be made only by his executor or administrator. By the term executor or administrator is meant the person who is actually appointed to such office and not merely a person who may be in charge of the property of the decedent. An exception is made from this general rule whereby, in the case of the death of one spouse, the joint return may be made by the surviving spouse with respect to both him and the decedent if all the following conditions exist:

(i) No return has been made by the decedent for the taxable year in respect to which the joint return is made.

(ii) No executor or administrator has been appointed at or before the time of making such joint return.

(iii) No executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse.

These conditions are to be applied with respect to the return for each of the taxable years of the decedent for which a joint return may be made if more than one such taxable year is involved. Thus, in the case of husband and wife on the calendar year basis, if the wife dies in February 1949, a joint return for the husband and wife for 1948 may be made if the conditions set forth above are satisfied with respect to such return. A joint return may also be made by the survivor for both himself and the deceased spouse for the calendar year 1949 if it is separately determined that the conditions set forth above are satisfied with respect to the return for such year. If, however, the deceased spouse should, prior to her death, make a return for 1948, the surviving spouse may not thereafter make a joint return for himself and the deceased spouse for 1948.

If an executor or administrator is appointed at or before the time of making the joint return or before the last day prescribed by law for filing the return of the surviving spouse, the surviving spouse cannot make a joint return for himself and the deceased spouse whether or not a separate return for the deceased spouse is made by such executor or administrator. In such a case the joint return, if one is to be made, must be made by both the surviving spouse and the executor or administrator. In determining whether an executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse, an extension of time for making the return is included.

If the surviving spouse makes the joint return provided for above, and thereafter an executor or administrator of the decedent is appointed, the executor or administrator may disaffirm such joint return. This disaffirmance, in order to be effective, must be made within one year after the last day prescribed by law for filing the return of the surviving spouse (including any extension of time for filing such return) and must be made in the form of a separate return for the taxable year of the decedent with respect to which the joint return was made. In the event of such proper disaffirmance the return made by the survivor shall constitute his separate return, that is, the joint return made by him shall be treated as his return and the tax thereon shall be computed by excluding all items properly includible in the return of the deceased spouse. The separate return made by the executor or administrator shall constitute the return of the deceased spouse for the taxable year.

The time allowed the executor or administrator to disaffirm the joint return by the making of a separate return does not establish a new due date for the return of the deceased spouse. Accordingly, the provisions of sections 291 and 294, relating to delinquent returns and delinquency in payment of tax, are applicable to such return made by the executor in disaffirmance of the joint return.

PAR. 19. Section 29.51–3, as amended by Treasury Decision 5425, is further amended as follows:

(A) By inserting before the period in the heading of paragraph (b) the following: *", and before January 1, 1948"*.

(B) By inserting in paragraph (b) after "December 31, 1943," the following: "and before January 1, 1948,".

(C) By inserting after paragraph (b) a new paragraph (c) to read as follows:

(c) *Taxable years beginning after December 31, 1947.* For taxable years beginning after December 31, 1947, an individual, although a minor, who is single, is required to render a return of income if he has gross income (including compensation for personal services includible in his gross income under section 22 (m) (1)) of $600 or over for the taxable year regardless of the amount of his net income. If the aggregate of the gross income of such a minor from any property which he possesses and from any funds held in trust for him by a trustee or guardian and from his earnings is at least $600, regardless of the amount of his net income, a return, as in the case of any other individual, must be made by him or for him by his guardian or other person charged with the care of his person or property. See § 29.142–2. If he is married, see § 29.51–1.

PAR. 20. There is inserted immediately preceding § 29.58–1 the following:

SEC. 202. TECHNICAL AMENDMENTS (Revenue Act of 1948, Title II.)

(a) *Declaration of estimated tax.* Section 58 (a) of the Internal Revenue Code (relating to requirement of declaration of estimated tax) is hereby amended to read as follows:

(a) *Requirement of declaration.* Every individual (other than an estate or trust and other than a nonresident alien with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable) shall, at the time prescribed in subsection (d), make a declaration of his estimated tax for the taxable year if:

(1) His gross income from wages (as defined in section 1621) can reasonably be expected to exceed the sum of $4,500 plus $600 with respect to each exemption provided in section 25 (b); or

(2) His gross income from sources other than wages (as defined in section 1621) can reasonably be expected to exceed $100 for the taxable year and his gross income to be $600 or more.

* * * * *

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 21. Section 29.58–2, as amended by Treasury Decision 5517, is further amended as follows:

(A) By striking out the headings "*Declarations of estimated tax—taxable years beginning after December 31, 1944*—(a) *General.*" and inserting in lieu thereof the following: "*Declarations of estimated tax*—(a) *Taxable years beginning after December 31, 1944, and before January 1, 1948*—(1) *General.*"

(B) By inserting after "December 31, 1944," in the first sentence thereof "and before January 1, 1948,".

(C) By striking out the designations (1), (2) and (3) where first appearing in the first sentence and inserting in lieu thereof (i), (ii) and (iii).

(D) By striking out the designations (1) and (2) where last appearing in the first sentence and inserting in lieu thereof (*a*) and (*b*).

(E) By striking out the designation "(b)" preceding the heading "*Short taxable years.*" and inserting in lieu thereof "(2)".

(F) By adding at the end of such section the following paragraph:

(b) *Taxable years beginning after December 31, 1947*—(1) *General.* A declaration of estimated tax shall, for taxable years beginning after December 31, 1947, be made by (i) every citizen of the United States, whether residing at home or abroad, (ii) every individual residing in the United States though not a citizen thereof, and (iii) every nonresident alien who is a resident of Canada or Mexico and who has wages subject to withholding at the source under section 1622, if such citizen or resident or alien can reasonably be expected to have for such taxable year:

(*a*) Gross income from wages subject to withholding under section 1622 in excess of the sum of $4,500 plus $600 for each exemption allowable as a credit under section 25 (b); or

(*b*) Gross income of more than $100 from sources other than wages subject to withholding under section 1622 and total gross income of $600 or more.

In the case of a husband and wife, whether or not they are living together, a joint declaration of estimated tax may be made if the gross income of either spouse meets the requirements of section 58 (a). If the gross income of each spouse meets the requirements of section 58 (a), either a joint declaration must be made or a separate declaration must be made by each. For the purpose of determining whether a declaration of estimated tax is required under the provisions of section 58 (a), a married person may not take into account the exemption of his spouse, if his spouse has, or is reasonably expected to have, gross income.

In estimating his gross income for the taxable year a parent should not take into account the income of his minor child. Such income is not includible in the gross income of the parent. See section 22 (m).

A nonresident alien who is a resident of Canada or Mexico, who enters into and leaves the United States at frequent intervals, and who has wages subject to withholding under the provisions of section 1622 is required to file a declaration of estimated tax if his gross income meets the requirements of section 58 (a). In the case of a nonresident alien gross income means only gross income from sources within the United States. (Section 212 (a)). As to what constitutes gross income from sources within the United States, see section 119 and the regulations thereunder. Thus, for example, a nonresident alien over the age of 65 years, living in Mexico with his wife and one dependent child throughout 1948, makes his return on a calendar year basis. His wife and child are also nonresident aliens. He is employed as an executive in El Paso, Texas, at a salary of $8,000 per annum and enters and leaves the United States at frequent intervals in pursuit of such employment. Neither husband nor wife has any reasonable expectation of any other income from United States sources. Since his wages derived from sources within the United States in 1948 can reasonably be expected to amount to more than $4,500 plus $2,400 (the aggregate of 4 exemptions, including one exemption for old age), or $6,900, a declaration of estimated tax must be filed for such resident of Mexico for 1948.

An estate or trust, though generally taxed as an individual, is not within the scope of the system of current payment of the tax, and hence is not required to file a declaration.

The application of these provisions may be illustrated by the following examples:

Example (*1*). H, a taxpayer making his return on the calendar year basis, is married and has two dependent children. Neither his wife nor children have any source of income. H's wife has been blind for several years and it is reasonable to assume that she will not regain her sight in 1948. H's salary from January 1, to June 30, 1948, is at the annual rate of $7,000. However, effective July 1, 1948, his annual salary is increased to $9,000 and under the facts then existing it is reasonable to assume that his salary for the remaining portion of 1948 will remain unchanged and that his total salary for the year will, therefore, be $8,000. Since such amount is in excess of $4,500 plus $3,000 (the aggregate of 5 exemptions, including the two exemptions for the blind spouse), or $7,500, H is required to file a declaration of estimated tax for 1948. As to when such declaration is required to be filed, see § 29.58–7 (b).

Example (*2*). P, a professional man engaged in the practice of his profession on his own account, has gross income of $400 from such profession for the two months of January and February 1948. It can reasonably be expected that he will have no income during 1948 from any other source. Since P has gross income which can for 1948 reasonably be expected to exceed $600 and such income does not constitute wages subject to withholding, he is required to file a declaration of estimated tax regardless of his marital status and regardless of the number of exemptions to which he may be entitled for that year.

Example (*3*). S has been regularly employed for many years prior to January 1, 1948, at which date his weekly wage is $50. S also owns stock in a corporation from which he has derived regularly for many years prior to 1948 annual dividends ranging from $120 to $160. In view of the fact that for 1948 S can reasonably be expected to receive gross income of $600 or more, which includes more than $100 of income from sources other than wages as defined in section 1621 (a), he is required to make a declaration of estimated tax for such year regardless of his marital status or the number of exemptions to which he may be entitled.

Example (*4*). T, a married taxpayer, who makes his return on the calendar year basis, is employed at the beginning of 1948 at an annual salary of $7,500, which, on the basis of facts then existing, will, it is expected, not undergo any change throughout 1948. His wife owns stock upon which dividends ranging from $75 to $100 have been paid regularly during years prior to 1948. T has two dependent children, one of whom has no source of income in 1948; the other child, however, is employed on a part-time basis and may reasonably be expected to receive compensation of $600 in 1948. T also contributes the major portion of the support of his mother whose only source of income is approximately $100 per year from a trust fund. Under these facts for the purpose of determining whether he is required to file a declaration, T may take into account only three exemptions, one for himself, one for his mother, and one for the child expected to receive less than $500 gross income in 1948. Since his expected salary of $7,500 exceeds the sum of $4,500 plus $1,800 (3 exemptions), or $6,300, T is required to file a declaration of estimated tax for 1948. In computing his estimated tax on a separate declaration, T may not take into account any exemption for his wife since she is reasonably expected to have gross income in 1948. If, however, a joint declaration is made and the tax is estimated on the basis of the aggregate net income, account may be taken of an exemption for the wife.

(2) *Short taxable years.* For the purpose of determining whether the anticipated income for a short taxable year necessitates the filing of a declaration, such income shall be placed on an annual basis in the manner prescribed in section 47 (c) (1). Thus, for example, a taxpayer who changes from a calendar year basis to a fiscal year basis beginning July 1, 1948, will have a short taxable year beginning January 1, 1948, and

ending June 30, 1948. If his anticipated gross income for such short taxable year consists solely of wages (as defined in section 1621 (a)) in the amount of $3,000, his total gross income and his gross income from such wages for the purpose of determining whether a declaration is required is $6,000, the amount obtained by placing anticipated income of $3,000 upon an annual basis. Hence, assuming such taxpayer is single and has no dependents, he is required to file a declaration of estimated tax for the short taxable year since his anticipated gross income from wages when placed upon an annual basis is in excess of $5,100 ($4,500 plus $600).

PAR. 21. Section 29.58–3, as amended by Treasury Decision 5419, approved November 25, 1944, is further amended as follows:

(A) By striking from the second sentence of the third paragraph of (a) the words "living together".

(B) By adding immediately after such second sentence the following parenthetical sentence: "(See, however, § 29.23 (aa)–1 (c) for exceptions where spouses are legally separated or are not living together.)"

PAR. 22. Section 29.58–4, as amended by Treasury Decision 5419, is further amended by adding at the end of the first paragraph thereof the following sentence: "However, if it is reasonable for a surviving spouse to assume that there will be filed a joint return for himself and the deceased spouse for taxable years which include the last taxable year of the deceased spouse, he may, in making a separate declaration for his taxable year which includes the period comprising such last taxable year of his spouse, estimate net income on an aggregate basis and compute his estimated tax in the same manner as though a joint declaration had been filed. For computation of tax in case of a joint return for taxable years to which splitting of income is applicable, see § 29.12–4."

PAR. 23. Section 29.58–7, as added by Treasury Decision 5419, is amended by striking out the third sentence of paragraph (f) and inserting in lieu thereof the following: "An amended declaration may also be made based upon a change in the number of exemptions (or, for taxable years beginning before January 1, 1946, a change in the number of surtax exemptions) to which the taxpayer may be entitled for the then current taxable year. An amended declaration may be filed jointly by husband and wife even though separate declarations have previously been filed."

PAR. 24. There is inserted immediately preceding § 29.108–1 the following:

SEC. 601. FISCAL YEAR TAXPAYERS. (Revenue Act of 1948, Title VI.)

Section 108 of the Internal Revenue Code is hereby amended by striking out "(d)" at the beginning of subsection (d) and inserting in lieu thereof "(e)", and by inserting after subsection (c) the following:

(d) *Taxable years of individuals beginning in 1947 and ending in 1948.* In the case of a taxable year of an individual beginning in 1947 and ending in 1948, the tax imposed by sections 11, 12, and 400 shall be an amount equal to the sum of:

(1) That portion of a tax, computed as if the law applicable to taxable years beginning on January 1, 1947, were applicable to such taxable years, which the number of days in such taxable year prior to January 1, 1948, bears to the total number of days in such taxable year, plus

(2) That portion of a tax, computed as if the law applicable to taxable years beginning on January 1, 1948, were applicable to such taxable year, which the number of days in such taxable year after December 31, 1947, bears to the total number of days in such taxable year.

PAR. 25. There is added immediately after § 29.108–2 the following section:

§ 29.108–3 *Computation of tax of individuals for taxable years beginning in 1947 and ending in 1948.* For a taxable year beginning in 1947 and ending in 1948, the normal tax, surtax, and optional tax imposed by sections 11, 12, and 400 upon taxpayers other than corporations shall be computed under section 108 (d), as amended by the Revenue Act of 1948, as follows:

(a) That portion of a tentative tax computed under the law applicable to taxable years beginning on January 1, 1947, which the number of days prior to January 1, 1948, in the taxable year of the taxpayer bears to the total number of days in such taxable year and

(b) That portion of a tentative tax computed under the law applicable to taxable years beginning on January 1, 1948, which the number of days after December 31, 1947, in the taxable year of the taxpayer bears to the total number of days in such taxable year.

The provisions of section 108 (d) apply to estates, trusts, and nonresident alien individuals whose tax is computed under sections 11 and 12.

The provisions of section 108 (d) apply to a taxable year beginning in 1947 and ending in 1948, whether or not such taxable year is one of less than 12 months. In the case of a taxpayer who is subject to the provisions of section 108 (d) and who because of a change in accounting period has a taxable year of less than 12 months, the net income shall be placed on an annual basis under the provisions of section 47 (c) (1) for the purpose of both tentative tax computation under section 108 (d), or shall be computed under the exception in section 47 (c) (2) for the purpose of both such tentative tax computations. Regardless of the method adopted, the amounts of the tentative normal tax and surtax so computed upon the basis of 12 months' income shall be properly reduced under section 47 (c) in order to determine the tentative taxes under section 108 (d). However, in the case of a taxpayer who is subject to the provisions of section 108 (d) and who because of any reason other than a change in accounting period has a taxable year of less than 12 months, the net income shall not be placed on an annual basis under section 47 (c) (1) and shall not be computed under the exception in section 47 (c) (2).

In any case in which a taxpayer subject to the provisions of section 108 (d) has an excess of net long-term capital gains over net short-term capital losses, the alternative tax under section 117 (c) shall be an amount equal to the sum of the proper portions of the tentative taxes determined under section 108 (d), by computing each such tentative tax pursuant to the alternative tax computation provided in section 117 (c), regardless of whether either tentative tax so computed on the alternative basis is larger or smaller than the tentative tax computed without regard to section 117 (c).

In the case of a joint return of husband and wife for taxable years beginning on the same day in 1947 and ending on different days because of the death of either spouse or both spouses (where at least one of such taxable years ends in 1948), the number of days to be taken into account for the purpose of computing the portions of the tax under section 108 (d) (1) and (2) shall be the number of days prior to January 1, 1948, in the taxable year of the surviving spouse, the number of days after December 31, 1947, in the taxable year of the surviving spouse and the total number of days in the taxable year of the surviving spouse.

PAR. 26. There is inserted immediately preceding § 29.113 (a) (5)–1 the following:

SEC. 366. BASIS OF SURVIVING SPOUSE'S INTEREST IN COMMUNITY PROPERTY. (Revenue Act of 1948, Title III.)

(a) Section 113 (a) (5) of the Internal Revenue Code (relating to basis of property transmitted at death) is hereby amended by adding at the end thereof the following new sentences: "For the purposes of this paragraph the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any State, Territory or possession of the United States or any foreign country shall be considered to be property 'acquired by bequest, devise, or inheritance' from the decedent, if the death of the decedent was after December 31, 1947, and if at least one-half of the whole of the community interest in such property was includible in determining the value of the decedent's gross estate under section 811. In the case of property held by a decedent and his surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, if the value of any part of the surviving spouse's one-half share of such property was included in determining the value of the gross estate of the decedent and a tax under chapter 3 was payable upon the transfer of the net estate of the decedent, then for the purposes of this paragraph such part of such one-half share of the surviving spouse shall be considered to be property 'acquired by bequest, devise, or inheritance' from the decedent, if the death of the decedent was after the date of the enactment of the Revenue Act of 1942 and on or before December 31, 1947; but nothing in this sentence shall reduce basis below that which would exist if the Revenue Act of 1948 had not been enacted."

(b) If the allowance of a credit or refund of any overpayment of tax resulting from the application of this section is prevented on the date of the enactment of this act, or within one year from such date, by the operation of any law or rule of law (other than section 3761 of the Internal Revenue Code, relating to compromises), credit or refund of such overpayment may, nevertheless, be allowed or made if claim therefor is filed within one year from the date of the enactment of this act. No interest shall be paid on any overpayment resulting from the application of the last sentence of section 113 (a) (5) of such code, as amended by this section, if such overpayment is for a

taxable year beginning before January 1, 1948.

PAR. 27. Section 29.113 (a) (5)–1 is amended as follows:

(A) By striking out the word "and" at the end of subparagraph (1) of paragraph (a).

(B) By striking out the period at the end of subparagraph (2) of paragraph (a) and inserting in lieu thereof ", and".

(C) By adding at the end thereof the the following subparagraph:

(3) To (i) the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property law of any State, Territory or possession of the United States or any foreign country if the death of the decedent is after December 31, 1947, and if at least one-half of the whole of the community interest in such property is includible in determining the value of the decedent's gross estate under section 811 and (ii) such part of the surviving spouse's one-half share of property held by the decedent and surviving spouse as community property as was included in computing the value of the decedent's gross estate if the death of the decedent was after October 21, 1942, and before January 1, 1948, and if a tax under chapter 3, relating to the estate tax, was payable upon the net estate of the decedent. Section 113 (a) (5) shall not, however, be applied in cases described in this subdivision so as to reduce the basis of any property below that which would exist without the application of such section.

(D) By adding at the end of such section the following new paragraph:

(g) *Credit or refund to surviving spouse in community property States.* If on April 2, 1948, or within one year from such date, the allowance of credit or refund of any overpayment of tax to a surviving spouse resulting from the application of the last sentence of section 113 (a) (5) to any part of the surviving spouse's one-half share of community property is prevented by the operation of any law or rule of law (other than section 3761, relating to compromises), credit or refund of such overpayment may nevertheless be allowed or made if claim therefor is filed within one year after April 2, 1948.

No interest shall be paid on any overpayment resulting from the application of the last sentence of section 113 (a) (5) to any part of the surviving spouse's one-half share of community property if such overpayment is for a taxable year beginning before January 1, 1948.

PAR. 28. There is inserted immediately preceding § 29.142–1 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948, Title II.)

* * * * *

(c) *Requirement of returns.* (2) *Fiduciary returns.* Section 142 (a) of such Code (relating to the requirement of fiduciary returns) is hereby amended by striking out "$500" wherever appearing therein and inserting in lieu thereof "$600".

* * * * *

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 29. Section 29.142–1, as amended by Treasury Decision 5425, is further amended as follows:

(A) By inserting before the period in the heading of paragraph (b) the following: ", *and before January 1, 1948*".

(B) By inserting in paragraph (b) after "December 31, 1943," the following: "and before January 1, 1948,".

(C) By changing the designation of paragraph (c) from "(c)" to "(d)".

(D) By inserting after paragraph (b) a new paragraph to read as follows:

(c) *Taxable years beginning after December 31, 1947.* Every fiduciary, or at least one of joint fiduciaries, for taxable years beginning after December 31, 1947, must make a return of income:

(1) *Returns for individuals.* For the individual whose income is in his charge, if the gross income of such individual is $600 or over.

(2) *Returns for estates and trusts.* For the estate for which he acts if the gross income of such estate is $600 or over, and for the trust for which he acts if the gross income of such trust is $600 or over, or the net income of such trust, as computed under section 162, is $100 or over, or if any beneficiary of such estate or trust is a nonresident alien.

The return in subparagraph (1) of this paragraph shall be on Form 1040.

In subparagraph (2) of this paragraph a return is required on Form 1041.

PAR. 30. Section 29.142–2, as amended by Treasury Decision 5425, is further amended as follows:

(A) By inserting before the period in the heading of paragraph (b) the following: ", *and before January 1, 1948*".

(B) By inserting in paragraph (b) after "December 31, 1943," the following: ", and before January 1, 1948".

(C) By adding after paragraph (b) the following new paragraph:

(c) *Taxable years beginning after December 31, 1947.* For taxable years beginning after December 31, 1947, a fiduciary acting as the guardian of a minor, or as the guardian or committee of an insane person, having a gross income of $600 or more for the taxable year, must make a return for such person on Form 1040, and pay the tax unless in the case of a minor the minor himself makes a return or causes it to be made. As to the use of the optional return, see § 29.51–2 (b).

PAR. 31. Section 29.143–3, as amended by Treasury Decision 5607, approved March 12, 1948, is further amended as follows:

(A) By striking out the second sentence of the next to the last paragraph and inserting in lieu thereof the following: "A nonresident alien individual who is engaged in trade or business within the United States at any time during the taxable year is entitled to the personal exemption for taxable years beginning before January 1, 1944, and to the normal-tax exemption and the surtax exemption allowed by section 25 (b) (1) (A) for taxable years beginning after December 31, 1943, and before January 1, 1946, and to the exemption allowed for himself by section 25 (b) (1) (A) for taxable years beginning after December 31, 1945.

(B) By adding before the period at the end of the third sentence of the next to the last paragraph the following: ", and before January 1, 1948, and to the exemptions allowed by section 25 (b) (1) (B), (C), and (D) for taxable years beginning after December 31, 1947".

(C) By striking out the fifth and sixth sentences of the next to the last paragraph and inserting in lieu thereof the following: "However, in the determination of the tax to be withheld at the source under section 143 (b) with respect to remuneration paid on or after July 1, 1943, for labor or personal services performed within the United States by a nonresident alien, the benefit of the personal exemption for taxable years beginning before January 1, 1944, or the normal-tax and surtax exemptions or exemption for both normal tax and surtax for taxable years beginning after December 31, 1943, shall be allowed, prorated upon a daily basis for the period of employment during any portion of which labor or personal services are performed within the United States by such alien. Such proration is on a basis of $1.40 per day for taxable years beginning prior to January 1, 1948, and on a basis of $1.70 per day for taxable years beginning after December 31, 1947. Thus, if A, a nonresident alien seaman employed by X Shipping Corporation, is paid in 1948 upon the termination of the voyage and such voyage covers 100 days, and A performs personal services within the United States during, or incident to, such voyage, the amount of $170 will be allocated as the portion of the exemption to be allowed as a credit against the remuneration of A for personal services performed within the United States during such voyage, and withholding shall be applied against the balance, if any, of such remuneration.

PAR. 32. There is inserted immediately preceding § 29.147–1 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948, Title II.)

* * * * *

(c) *Requirement of returns.* * * *

(3) *Information returns.* Section 147 (a) of such Code (relating to returns of information) is hereby amended by striking out "$500" wherever appearing therein and inserting in lieu thereof "$600".

* * * * *

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 33. Section 29.147–1, as amended by Treasury Decision 5313, approved December 21, 1943, is further amended as follows:

(A) By amending the heading thereof to read as follows: "*Return of information as to payment of $600 ($500 for years prior to 1948).*"

(B) By striking out the first sentence and inserting in lieu thereof the following: "All persons making payment to another person of fixed or determinable income of $500 or more in any calendar year prior to 1948, and all persons making payment to another person of such income of $600 or more in any calendar year after 1947 must render a return thereof for such year on or before February 15 of the following year except as specified in §§ 29.147–3 to 29.147–5.

(C) By striking from the third sentence "260 East 161st Street, New York 51, N. Y." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri".

PAR. 34. Section 29.147–2, as amended by Treasury Decision 5480, approved September 26, 1945, is amended so that such section shall read as follows:

§ 29.147–2 *Return of information as to payments to employees.* The names of all employees to whom payments are made of $500 or more in any calendar year prior to 1948, or of $600 or more in any calendar year after 1947, whether such total sum is made up of wages, salaries, annuities, commissions, or compensation in any other form, must be reported. In the case of any such payments of $500 or more paid during the calendar year 1945 or during any subsequent calendar year prior to 1948, and in the case of any such payments of $600 or more made during any calendar year after 1947, if a portion thereof constitutes wages subject to withholding under section 1622 and such portion is reported on Form W–2, the remainder of such payments must be reported on Form 1099. For example, if such payments made to an employee by his employer in 1948 amount to $700 and $400 thereof represents wages subject to withholding under section 1622, and the remaining $300 represents compensation not subject to withholding, for instance, advances or reimbursements for traveling or other expenses, or insurance premiums which in accordance with § 29.165–6 are income to the employee for the year in which the insurance is purchased, the $400 must be reported on Form W–2 and the $300 must be reported on Form 1099. Heads of branch offices and subcontractors employing labor, who keep the only complete record of payments therefor, should file returns of information in regard to such payments with the Commissioner of Internal Revenue, Processing Division, C. C. Station, Kansas City 2, Missouri. When both main office and branch office have adequate records, the return should be filed by the main office.

For years prior to 1945, amounts distributed or made available under an employees' trust governed by the provisions of section 165 to any beneficiary in excess of the sum of his personal exemption and the amounts paid into the fund by him must be reported by the trustee. For the calendar year 1945 and subsequent calendar years amounts distributed or made available under an employees' trust governed by the provisions of section 165, or under an annuity plan to which § 29.22 (b) (2)–5 relates, to a beneficiary shall be reported to the extent such amounts are includible in the gross income of such beneficiary where the amounts so includible are $500 or more if distributed or made available in a calendar year prior to 1948 or $600 or more if distributed or made available in a calendar year after 1947.

In the case of payments made by the United States to persons in its service (civil, military, or naval) of wages, salaries, or compensation in any other form, the returns of information shall be made by heads of the executive departments and other United States establishments.

For cases where no returns of information are required, see § 29.147–3. (See also § 29.22 (a)–3.)

PAR. 35. Section 29.147–3, as amended by Treasury Decision 5425, is further amended by striking from the first sentence "$500" and inserting in lieu thereof "$600".

PAR. 36. Section 29.147–7, as amended by Treasury Decision 5313, is further amended by striking therefrom "260 East 161st Street, New York 51, N. Y." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri".

PAR. 37. Section 29.147–8, as amended by Treasury Decision 5313, is further amended by striking therefrom "260 East 161st Street, New York 51, N. Y." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri."

PAR. 38. Section 29.148–1, as amended by Treasury Decision 5313, is further amended as follows:

(A) By striking from the last sentence of the first paragraph of paragraph (a) "260 East 161st Street, New York 51, N. Y." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri."

(B) By striking from the first sentence of paragraph (b) "260 East 161st Street, New York 51, N. C." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri."

PAR. 39. Section 29.148–3, as amended by Treasury Decision 5356, approved April 19, 1944, is further amended by striking from the second paragraph "260 East 161st Street, New York 51, N. Y." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri."

PAR. 40. There is inserted immediately preceding § 29.163–1 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948, Title II.)

* * * * *

(d) *Credit of estate against net income.* Section 163 (a) (1) of such Code (relating to credits against net income of an estate) is hereby amended by striking out "$500" and inserting in lieu thereof "$600".

* * * * *

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 41. Section 29.163–1, as amended by Treasury Decision 5517, is further amended by striking out the second sentence of paragraph (b) and inserting in lieu thereof the following: "For taxable years beginning after December 31, 1945, and before January 1, 1948, an estate is allowed a credit of $500 against net income for both normal tax and surtax purposes. For taxable years beginning after December 31, 1947, an estate is allowed a credit of $600 against net income for both normal tax and surtax purposes."

PAR. 42. There is inserted immediately preceding § 29.400–1 the following:

SEC. 401. INDIVIDUALS WITH ADJUSTED GROSS INCOMES OF LESS THAN $5,000. (Revenue Act of 1948, Title IV.)

(a) *In general.* Section 400 of the Internal Revenue Code (relating to optional tax on individuals with adjusted gross incomes of less than $5,000) is hereby amended to read as follows:

SEC. 400. IMPOSITION OF TAX.

In lieu of the taxes imposed by sections 11 and 12, there shall be levied, collected, and paid for each taxable year upon the net income of each individual whose adjusted gross income for such year is less than $5,000, and who has elected to pay the tax imposed by this supplement for such year, a tax as follows:

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—									
									2		3						
At least	But less than	1	2	3	4 or more	At least	But less than	1	And if other than a joint return is filed	And if a joint return is filed	And if other than a joint return is filed	And if a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—									
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$250	$150	$150	$50	$50	$0	$0	$0	$0	$0
675	700	3	0	0	0	2,350	2,375	253	154	154	54	54	0	0	0	0	0
700	725	7	0	0	0	2,375	2,400	257	157	157	58	58	0	0	0	0	0
725	750	11	0	0	0	2,400	2,425	261	161	161	62	62	0	0	0	0	0
750	775	14	0	0	0	2,425	2,450	265	165	165	65	65	0	0	0	0	0
775	800	18	0	0	0	2,450	2,475	268	169	169	69	69	0	0	0	0	0
800	825	22	0	0	0	2,475	2,500	272	172	172	73	73	0	0	0	0	0
825	850	26	0	0	0	2,500	2,525	276	176	176	77	77	0	0	0	0	0
850	875	29	0	0	0	2,525	2,550	280	180	180	80	80	0	0	0	0	0
875	900	33	0	0	0	2,550	2,575	283	184	184	84	84	0	0	0	0	0
900	925	37	0	0	0	2,575	2,600	287	187	187	88	88	0	0	0	0	0
925	950	40	0	0	0	2,600	2,625	291	191	191	92	92	0	0	0	0	0
950	975	44	0	0	0	2,625	2,650	294	195	195	95	95	0	0	0	0	0
975	1,000	48	0	0	0	2,650	2,675	298	199	199	99	99	0	0	0	0	0
1,000	1,025	52	0	0	0	2,675	2,700	302	202	202	103	103	3	0	0	0	0
1,025	1,050	55	0	0	0	2,700	2,725	306	206	206	106	106	7	0	0	0	0
1,050	1,075	59	0	0	0	2,725	2,750	309	210	210	110	110	11	0	0	0	0
1,075	1,100	63	0	0	0	2,750	2,775	313	214	214	114	114	14	0	0	0	0
1,100	1,125	67	0	0	0	2,775	2,800	317	217	217	118	118	18	0	0	0	0

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—								
									2		3					
At least	But less than	1	2	3	4 or more	At least	But less than	1	And if other than a joint return is filed	And if a joint return is filed	And if other than a joint return is filed	And if a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—								
$1,125	$1,150	$70	$0	$0	$0	$2,800	$2,825	$321	$221	$221	$121	$121	$22	$0	$0	$0	$0
1,150	1,175	74	0	0	0	2,825	2,850	324	225	225	125	125	26	0	0	0	0
1,175	1,200	78	0	0	0	2,850	2,875	328	228	228	129	129	29	0	0	0	0
1,200	1,225	82	0	0	0	2,875	2,900	332	232	232	133	133	33	0	0	0	0
1,225	1,250	85	0	0	0	2,900	2,925	336	236	236	136	136	37	0	0	0	0
1,250	1,275	89	0	0	0	2,925	2,950	340	240	240	140	140	40	0	0	0	0
1,275	1,300	93	0	0	0	2,950	2,975	345	243	243	144	144	44	0	0	0	0
1,300	1,325	96	0	0	0	2,975	3,000	349	247	247	148	148	48	0	0	0	0
1,325	1,350	100	1	0	0	3,000	3,050	356	253	253	153	153	54	0	0	0	0
1,350	1,375	104	4	0	0	3,050	3,100	364	260	260	161	161	61	0	0	0	0
1,375	1,400	108	8	0	0	3,100	3,150	373	268	268	168	168	68	0	0	0	0
1,400	1,425	111	12	0	0	3,150	3,200	382	275	275	176	176	76	0	0	0	0
1,425	1,450	115	16	0	0	3,200	3,250	391	283	283	183	183	83	0	0	0	0
1,450	1,475	119	19	0	0	3,250	3,300	399	290	290	190	190	91	0	0	0	0
1,475	1,500	123	23	0	0	3,300	3,350	408	298	298	198	198	98	0	0	0	0
1,500	1,525	126	27	0	0	3,350	3,400	417	305	305	205	205	106	6	0	0	0
1,525	1,550	130	31	0	0	3,400	3,450	425	312	312	213	213	113	14	0	0	0
1,550	1,575	134	34	0	0	3,450	3,500	434	320	320	220	220	121	21	0	0	0
1,575	1,600	138	38	0	0	3,500	3,550	443	327	327	228	228	128	29	0	0	0
1,600	1,625	141	42	0	0	3,550	3,600	452	335	335	235	235	136	36	0	0	0
1,625	1,650	145	45	0	0	3,600	3,650	460	344	342	243	243	143	44	0	0	0
1,650	1,675	149	49	0	0	3,650	3,700	469	353	350	250	250	151	51	0	0	0
1,675	1,700	153	53	0	0	3,700	3,750	478	362	357	258	258	158	59	0	0	0
1,700	1,725	156	57	0	0	3,750	3,800	486	370	365	265	265	166	66	0	0	0
1,725	1,750	160	60	0	0	3,800	3,850	495	379	372	273	273	173	73	0	0	0
1,750	1,775	164	64	0	0	3,850	3,900	504	388	380	280	280	181	81	0	0	0
1,775	1,800	167	68	0	0	3,900	3,950	513	396	387	288	288	188	88	0	0	0
1,800	1,825	171	72	0	0	3,950	4,000	521	405	395	295	295	195	96	0	0	0
1,825	1,850	175	75	0	0	4,000	4,050	530	414	402	303	303	203	103	4	0	0
1,850	1,875	179	79	0	0	4,050	4,100	539	423	410	310	310	210	111	11	0	0
1,875	1,900	182	83	0	0	4,100	4,150	547	431	417	317	317	218	118	19	0	0
1,900	1,925	186	87	0	0	4,150	4,200	556	440	425	325	325	225	126	26	0	0
1,925	1,950	190	90	0	0	4,200	4,250	565	449	432	332	332	233	133	34	0	0
1,950	1,975	194	94	0	0	4,250	4,300	574	457	439	341	340	240	141	41	0	0
1,975	2,000	197	98	0	0	4,300	4,350	582	466	447	350	347	248	148	49	0	0
2,000	2,025	201	101	2	0	4,350	4,400	591	475	454	359	355	255	156	56	0	0
2,025	2,050	205	105	6	0	4,400	4,450	600	483	462	367	362	263	163	63	0	0
2,050	2,075	209	109	9	0	4,450	4,500	608	492	469	376	370	270	171	71	0	0
2,075	2,100	212	113	13	0	4,500	4,550	617	501	477	385	377	278	178	78	0	0
2,100	2,125	216	116	17	0	4,550	4,600	626	510	484	393	385	285	186	86	0	0
2,125	2,150	220	120	21	0	4,600	4,650	635	518	492	402	392	293	193	93	0	0
2,150	2,175	223	124	24	0	4,650	4,700	643	527	499	411	400	300	200	101	1	0
2,175	2,200	227	128	28	0	4,700	4,750	652	536	507	420	407	308	208	108	9	0
2,200	2,225	231	131	32	0	4,750	4,800	661	544	514	428	415	315	215	116	16	0
2,225	2,250	235	135	35	0	4,800	4,850	669	553	522	437	422	322	223	123	24	0
2,250	2,275	238	139	39	0	4,850	4,900	678	562	529	446	430	330	230	131	31	0
2,275	2,300	242	143	43	0	4,900	4,950	687	571	537	454	437	337	238	138	39	0
2,300	2,325	246	146	47	0	4,950	5,000	695	579	544	463	444	345	245	146	46	0

(b) *Taxable years to which applicable.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 43. Section 29.400–1, *Scope and application of Supplement T*, as amended by Treasury Decision 5517, is further amended as follows:

(A) By striking from the first sentence of the third paragraph of paragraph (b) beginning with the words "In the case of husband and wife" the words "living together".

(B) By striking out the fourth paragraph of paragraph (b) beginning with the words "These restrictions" and inserting in lieu thereof the following:

(b) *Taxable years beginning after December 31, 1943.* * * *

These restrictions upon the right of a married person to elect to pay the tax under Supplement T are applicable with respect to taxable years beginning before January 1, 1948, only if such person is married and living with his spouse on the last day of his taxable year or, in the event of the death of his spouse during the taxable year, upon the date of such death. For the purpose of the preceding sentence, husband and wife are considered as living together unless they are permanently separated. For taxable years beginning after December 31, 1947, the restrictions upon the right of a married person to elect to pay the tax under Supplement T are applicable unless such person is legally separated from his spouse under a decree of divorce or separate maintenance on the last day of his taxable year or, in the event of the death of his spouse during the taxable year, upon the date of such death. For rules relative to the application of these restrictions, see § 29.23 (aa)–1 (c).

(C) By inserting immediately before the last paragraph of paragraph (b) the following:

The tax table in section 400, as amended by the Revenue Act of 1948 and applicable with respect to taxable years beginning after December 31, 1947, contains, in certain areas, double columns, in one of which is computed the tax if a separate return is filed, and in the other of which is computed the tax if a joint return is filed. Since the computations of tax in the case of a joint return reflect the income-splitting method provided in section 12 (d), as amended by the Revenue Act of 1948, the tax set forth in the joint return column may be lower than in the separate return column even though the amounts of adjusted gross income and the exemptions are the same. Thus, if H, a married man, has adjusted gross income of $4,925 and his wife has no gross income and his only exemptions under section 25 (b) are the exemptions for himself and spouse under section 25 (b) (1) (A), the tax on a joint return under Supplement T, as set forth in the second column applicable to a person with two exemptions, is $537. If H should file a separate return, his tax, as set forth in the first column applicable to a person with two exemptions, would be $571. For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3.

PAR. 44. Section 29.401–1, as amended by Treasury Decision 5517, is further amended as follows:

(A) By inserting in the first paragraph of (b) immediately before "See § 29.25–3" the following: "For taxable years beginning after December 31, 1947, additional exemptions are allowed under section 25 (b) (1) (B) and (C) for a taxpayer or spouse who has attained the age of 65 years and for a blind taxpayer or blind spouse."

(B) By adding after *Example* (2) in paragraph (b) the following example:

Example (3). D, a married man with no dependents, attains the age of 65 years on September 1, 1948. The aggregate adjusted gross income of D and his wife for 1948 is $4,840. D and his wife file a joint return for 1948 and are entitled to three exemptions, one for each taxpayer and one additional exemption for D because of his age. Since the adjusted gross income of D and his wife falls within the tax bracket $4,800–$4,850, the tax on a joint return is $422.

PAR. 45. Section 29.402–1, as amended by Treasury Decision 5425, is further amended as follows:

(A) By adding after "December 31, 1943," in paragraph (b) "and before January 1, 1948,".

(B) By adding at the end of paragraph (b) the following: "The provisions of this paragraph are also applicable to taxable years beginning after December 31, 1947, except that wherever the prescribed manner of making the election involves the filing of a return on Form W–2 (Rev.) the election shall be made by the filing of Form 1040A instead of Form W–2 (Rev.). See § 29.512 (b)–2."

[F. R. Doc. 48–9449; Filed, Oct. 26, 1948; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 43]

AIRCRAFT IDENTIFICATION MARKS AND AIRCRAFT AIRWORTHINESS CLASSIFICATION MARKS

NOTICE OF PROPOSED RULE MAKING

Under section 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce. Under § 43.102 of the Civil Air Regula-

tions, the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe the manner in which identification marks and airworthiness classification designations shall be displayed on aircraft.

Acting pursuant to the foregoing statute and regulation, and in accordance with sections 3 and 4 of the Administrative Procedure Act, notice is hereby given that adoption of the followng rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Non-Scheduled Aircraft Maintenance Division, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

§ 43.102 *Identification marks.* * * *

(CAA RULES)

IDENTIFICATION MARKS AND AIRWORTHINESS CLASSIFICATION MARKS

1. *Identification marks*—(a) *Composition.* On each aircraft, identification marks shall be displayed. They shall consist of the roman capital letter "N" denoting United States registry, followed by Arabic registration numbers, followed in some instances by an additional roman capital letter.

(b) *Location.* (1) On each fixed-wing aircraft, identification marks shall be displayed on the right half of the upper surface and the left half of the lower surface of the wing structure. So far as possible, the marks shall be located equal distance from the leading and trailing edges of the wing. The top of the marks shall be toward the leading edge of the wing.

On each fixed-wing aircraft, identification marks shall be displayed on the upper half of the vertical tail surface. They shall be displayed on both sides of a single-tail surface, and on the outer sides of a multi-tail surface. They may be placed either horizontally or vertically.

On each fixed-wing aircraft, identification marks shall be displayed on the fuselage when the aircraft, as a result of design, does not have a vertical tail surface. The marks shall be located on each side of the top half of the fuselage, just forward of the leading edge of the horizontal tail surface. They may be placed either horizontally or vertically.

(2) On each rotorcraft, identification marks shall be displayed on the bottom surface of the fuselage or cabin. The top of the marks shall be toward the left side of the fuselage.

On each rotorcraft, identification marks shall be displayed below the window lines and as near the cockpit as possible.

(3) On each airship, identification marks shall be displayed on the upper surface of the right horizontal stabilizer and on the under surface of the left horizontal stabilizer. The top of the marks shall be toward the leading edge of the stabilizer. The marks shall be placed horizontally.

On each airship, identification marks shall be displayed on each side of the bottom half of the vertical stabilizer. The marks shall be placed horizontally.

(4) On each spherical balloon, identification marks shall be displayed on two places diametrically opposite, and shall be located near the maximum horizontal circumference of the balloon.

(5) On each non-spherical balloon, identification marks shall be displayed on each side. They shall be located near the maximum cross-section of the balloon, immediately above either the rigging band, or the points of attachment of the basket or cabin suspension cables.

(c) *Height.* (1) On each fixed-wing aircraft, wing identification marks shall be at least 20 inches high.

On each fixed-wing aircraft, vertical tail surface or fuselage identifiction marks shall be at least 2 inches high, but need not be more than 6 inches high.

(2) On each rotorcraft, fuselage bottom surface or cabin bottom surface identification marks shall be at least 4/5 as high as the fuselage is wide, but need not be more than 20 inches high.

On each rotorcraft, fuselage side identification marks shall be not less than 2 inches high, but need not be more than 6 inches high.

(3) On each airship, spherical balloon, or non-spherical balloon, identification marks shall be at least 20 inches high.

(d) *Width.* On each aircraft, identification marks, with the following exception, shall be at least 2/3 as wide as they are high. Number "1" shall be 1/6 as wide as it is high.

On each aircraft, lines forming the identification marks shall be 1/6 as wide as they are high.

(e) *Spacing.* On each aircraft, the space between identification marks shall be not less than 1/6 as wide as the marks are high.

(f) *Color.* On each aircraft, identification marks shall contrast in color with the background.

(g) *Affixation.* On each aircraft, identification marks shall be painted or shall be affixed by any other means insuring a similar degree of permanence.

(h) *Formation.* On each aircraft, identification marks shall be formed by solid lines.

(i) *Design.* On each aircraft, identification marks shall have no ornamentation.

(j) *Maintenance.* On each aircraft, identification marks shall be kept clean and legible at all times.

2. *Airworthiness classification marks*—(a) *Composition.* (1) On each aircraft for which a limited certificate of airworthiness has been issued, the mark "Limited" shall be displayed.

(2) On each aircraft for which a restricted airworthiness certificate has been issued, the mark "Restricted" shall be displayed.

(3) On each aircraft for which an experimental airworthiness certificate has been issued, the mark "Experimental" shall be displayed.

On each aircraft for which a standard certificate of airworthiness has been issued, and which has been altered by the installation of components for temporary experimental purposes so as not to adversely affect the aircraft design or flight characteristics, the mark "Experimental" shall be displayed.

(b) *Location.* On each aircraft, required airworthiness classification marks shall be placed on the fuselage at each cabin entrance and cockpit entrance so as to be readily visible to passengers and crew entering the aircraft. In cases where only one entrance for passengers and crew is used, and persons may enter the aircraft from either side of the fuselage, such as an aircraft with a sliding canopy, the marks shall be displayed on both sides of the fuselage.

(c) *Height.* On each aircraft, required airworthiness classification marks shall be at least 2 inches high, but need not be more than 6 inches high.

(d) *Width.* On each aircraft, required airworthiness classification marks shall be 2/3 as wide as they are high.

On each aircraft, lines forming required airworthiness classification marks shall be 1/6 as wide as they are high.

(e) *Spacing.* On each aircraft, the space between required airworthiness classification marks shall be not less than 1/6 as wide as the marks are high.

(f) *Color.* On each aircraft, required airworthiness classification marks shall contrast in color with the background.

(g) *Affixation.* On each aircraft, required airworthiness classification marks shall be painted or shall be affixed by any other means insuring a similar degree of permanence.

On each aircraft for which a standard airworthiness certificate has been issued, and for which an experimental certificate of airworthiness has been subsequently issued to permit temporary experiments, the "Experimental" marks may be applied free-hand with water paint or masking tape, or by any other method which will allow the marks to be removed easily at the termination of the experiments.

(h) *Formation.* On each aircraft, required airworthiness classification marks shall be formed by solid lines.

(i) *Design.* On each aircraft, required airworthiness classification marks shall have no ornamentation.

(j) *Maintenance.* On each aircraft, required airworthiness classification marks shall be kept clean and legible.

These rules shall become effective on January 1, 1949, with respect to aircraft thereafter registered for the first time, and on January 1, 1951, with respect to all aircraft.

(Sec. 601, 52 Stat. 1007; 54 Stat. 1231, 1233–1235; P. Law 872, 80th Cong.; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 48-9430; Filed, Oct. 26, 1943; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52073]

WILD ANIMALS FROM JAPAN

OCTOBER 21, 1948.

T. D. 49475, dated March 25, 1938, requiring consular certificates covering the entry of certain wild animals from Japan, amended.

Ordinance No. 72, dated September 9, 1947, issued by the Japanese Ministry of Agriculture and Forestry, amends the previous regulations prohibiting the taking or killing of certain wild animals referred to in T. D. 49475, dated March 25, 1938. The female weasel or mink (meitachi) and the rabbit (amami-no kurousagi) are omitted from the list of prohibited animals, the rabbit being omitted since it is found only in the Ryukyu Islands which are not at present under the jurisdiction of the Japanese Government. The ordinance prohibits the taking or killing of the goat antelope (kamoshika), the otter (kawauso), the wild cat (yamaneko), the monkey (saru), and the female deer or hind (me-shika),

In view of the provisions of the abovementioned ordinance consular certificates shall continue to be required under section 527, Tariff Act of 1930 (19 U. S. C. 1527), covering the entry of goat antelopes and otters or parts or products thereof exported from Japan but no such certificates shall be required in connection with the entry of female weasels (minks) or parts or products thereof exported from Japan on and after September 9, 1947. Such certificates shall be required in connection with the entry of wild cats, monkeys, and female deer (hind) or parts or products thereof imported directly or indirectly from Japan after 30 days after the publication of this decision in the weekly Treasury Decisions.

Since the Bureau has not been informed of any prohibition or restriction now in effect in the Ryukyu Islands with respect to the taking, killing, or exportation of rabbits or parts or products thereof, consular certificates shall no longer be required under section 527, in connection with the entry of such articles from those islands.

T. D. 49475 is hereby amended accordingly.

The number of this decision shall be added as a marginal reference to § 12.28, Customs Regulations of 1943.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 48-9448; Filed, Oct. 26, 1948; 8:55 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 26]

ORDER TRANSFERRING FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE FUNCTIONS PERTAINING TO TRANSPORTATION OF PERSONNEL AND PROPERTY AND OTHER RELATED MATTERS

Pursuant to the authority vested in me by the National Security Act of 1947 (Act of July 26, 1947; Public Law 253, 80th Cong.), and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force all functions, powers and duties relating to transportation of personnel or property, and services incident thereto, insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the following laws, parts of laws and Executive Orders as limited by other laws, parts of laws and Executive Orders whether or not specifically set forth herein:

a. Act of June 3, 1916, c. 134, sec. 9 (39 Stat. 170), as amended by the Act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766), and the Act of December 1, 1941, c. 552, sec. 1 (55 Stat. 787; 10 U. S. C. 72).

b. Act of June 12, 1906, c. 3078 (34 Stat. 246), as amended by the Act of August 24, 1912, c. 391, sec. 3 (37 Stat. 591), and the Act of June 3, 1916, c. 134, sec. 9a, as added by the Act of June 4, 1920, c. 227, sec. 9 (41 Stat. 766; 10 U. S. C. 870).

c. Act of March 3, 1813, c. 48, sec. 5 (2 Stat. 817; R. S. 219), as amended by the Act of August 24, 1912, c. 391, sec. 3 (37 Stat. 591; 10 U. S. C. 1192).

d. Act of July 16, 1892, c. 195 (27 Stat. 178; 10 U. S. C. 1335).

e. Act of January 31, 1862, c. 15, sec. 4 (12 Stat. 334; R. S. 220; 10 U. S. C. 1363).

f. Act of November 21, 1941, c. 483 (55 Stat. 775), as amended by the Act of July 25, 1947, c. 321 (61 Stat. 423; 10 U. S. C. 1371a).

g. Act of July 5, 1884, c. 217 (23 Stat. 109; 10 U. S. C. 1374).

h. Act of June 30, 1945, c. 212, Title VI, sec. 606 (59 Stat. 304), as amended by the Act of May 24, 1946, c. 270, sec. 8 (b), (60 Stat. 218; 5 U. S. C. 946).

i. Act of March 3, 1911, c. 209 (36 Stat. 1051; 10 U. S. C. 749).

j. Act of July 9, 1918, c. 143, subch. XVIII (40 Stat. 892; 10 U. S. C. 822).

k. Act of August 29, 1916, c. 418, sec. 1 (39 Stat. 633; 10 U. S. C. 823).

l. Act of March 7, 1942, c. 159 (56 Stat. 140; 10 U. S. C. 919).

m. Act of October 6, 1945, c. 393, sec. 6 (59 Stat. 539; 10 U. S. C. 751a).

n. Act of June 3, 1916, c. 134, sec. 126 (39 Stat. 217), as amended by the Act of February 28, 1919, c. 70, sec. 3 (40 Stat. 1203), and the Act of September 22, 1922, c. 409 (42 Stat. 1021), and the Act of December 14, 1942, c. 728 (56 Stat. 1049), and the Act of August 2, 1946, c. 756, sec. 21 (60 Stat. 856; 10 U. S. C. 752).

o. Act of March 23, 1910, c. 115 (36 Stat. 255; 10 U. S. C. 821).

p. Act of March 2, 1907, c. 2511 (34 Stat. 1170), as amended by Proc. No. 2695, July 4, 1946 (11 F. R. 7517; 60 Stat. 1352; 10 U. S. C. 1371).

q. Act of June 5, 1942, c. 340, sec. 3, 5 (56 Stat. 314, 316; 50 App. U. S. C., Supp. V, 763, 765).

r. Act of June 5, 1942, c. 340, sec. 4 (56 Stat. 315), as amended by the act of February 12, 1946, c. 6, sec. 4 (60 Stat. 5; 50 App. U. S. C., Supp. V, 764).

s. Act of June 16, 1942, c. 413, sec. 12 (56 Stat. 364), as amended by the Act of September 7, 1944, c. 407, sec. 9 (58 Stat. 730), and the Act of August 2, 1946, c. 756, Title II, sec. 202–205 (60 Stat. 858; 37 U. S. C. 112).

t. Act of April 27, 1946, c. 240, sec. 3, 4 (60 Stat. 126, 127; 37 U. S. C. 112f, 112g).

u. All other laws, parts of laws, including applicable provisions of Appropriations Acts, and Executive Orders which vest in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers and duties relating to transportation of personnel or property, and services incident thereto, insofar as they pertain to the Department of the Air Force or the United States Air Force or their property or personnel.

2. The Department of the Air Force will utilize the services of the Department of the Army and the Department of the Army will utilize the services of the Department of the Air Force for such types of services in the field of transportation as are presently performed by one for the other, subject to such adjustments as from time to time are jointly determined to be necessary by the Secretaries of the two Departments.

3. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

4. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

5. Nothing contained in this order shall operate as a transfer of funds.

6. This order shall be effective at 12:00 noon October 15, 1948.

JAMES FORRESTAL,
Secretary of Defense.

OCTOBER 15, 1948.

[F. R. Doc. 48-9450; Filed, Oct. 26, 1948; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

ORDER OPENING LANDS TO MINING LOCATION, ENTRY, AND PATENTING

Under authority and pursuant to the provisions of the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. sec. 154) and the regulations thereunder, and subject to (1) valid existing rights, and (2) the terms of the following quoted stipulation, it is hereby ordered that lot 8, sec. 2, T. 8 N., R. 10 E., M. D. M., California, be and the same is hereby opened to location, entry and patenting under the general mining laws, the quoted stipulation to be executed and acknowledged in favor of the United States by the locator, for his heirs, successors and assigns, and recorded in the county records and in the United States District Land Office at Sacramento, California, before location is made:

There is reserved to the United States, its successors and assigns, the prior right to use any of the lands herein described to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, and also the right to remove construction materials therefrom, without any payment made by the United States or its successors for such right, with the agreement on the part of the locator that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or the removal of construction materials therefrom, should be made more expensive by reason of the existence of improvements or workings of the locator thereon, such additional expense is to be estimated by the Secretary of the In-

terior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the locator for payment of any such sums, the locator will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or removing construction materials therefrom. The locator further agrees that the United States, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any of the works hereinabove enumerated.

Any location or entry made and any patent issued for the above-described land will be subject to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, as amended, 49 Stat. 846; 16 U. S. C. 818).

This order shall not become effective to change the status of the lands until 10:00 a. m. on December 22, 1948, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals and of this order, become subject to disposition under the United States mining laws only, as above provided.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

OCTOBER 20, 1948.

[F. R. Doc. 48-9388; Filed, Oct. 26, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3295]

WIEN ALASKA AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Wien Alaska Airlines, Inc., over its routes certificated for the transportation of mail, and the Board's Order to Show Cause, Serial No. E-2089, dated October 14, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on October 28, 1948, at 10:00 a. m. (eastern standard time), in Wing C, Room 133, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington, D. C. before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 20, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9433; Filed, Oct. 26, 1948; 8:48 a. m.]

[Docket No. 3241]

MID-CONTINENT AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Mid-Continent Airlines, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for amendment of its certificate of public convenience and necessity for route No. 80, so as to remove the condition that Tyler, Texas, and Longview, Texas, shall not be served on the same flight.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on November 3, 1948, at 10:00 a. m., in Conference Room C, Departmental Auditorium, Labor Building, Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., October 20, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9432; Filed, Oct. 26, 1948; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8553]

S. H. PATTERSON (KVAK) AND ALBERT ALVIN ALMADA

ORDER CONTINUING HEARING

In re application of S. H. Patterson (KVAK), assignor, Albert Alvin Almada, assignee, Atchison, Kansas, Docket No. 8553, File No. BAPL-23; for assignment of license.

The Commission having under consideration a petition filed October 8, 1948, by S. H. Patterson (KVAK), Assignor, and Albert Alvin Almada, Assignee, Atchison, Kansas, requesting a continuance in the hearing presently scheduled for November 1, 1948, at Washington, D. C., upon the above-entitled application for assignment of license of Station KVAK;

It is ordered, This 15th day of October 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, December 21, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9443; Filed, Oct. 26, 1948; 8:51 a. m.]

WELM

NOTICE OF FILING OF APPLICATION FOR PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on October 4, 1948 there was filed with it an application (BAL-780) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license for standard broadcast station WELM, Elmira, New York from J. Robert Meachem to Corning Leader, Inc. The proposal to assign the license arises out of a contract of September 9, 1948 pursuant to which all the physical assets of station WELM will be transferred to Corning Leader, Inc. for a cash consideration of $110,000. In addition, the assignee has agreed to retain the assignor in an advisory capacity for 5 years at an annual salary of $6,000.00. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on October 4, 1948 that starting on October 6, 1948 notice of the filing of the application would be inserted in the Elmira Star-Gazette a newspaper of general circulation at Elmira, New York in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 6, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9444; Filed, Oct. 26, 1948; 8:51 a. m.]

[Docket No. 8230]

CHARGES FOR COMMUNICATIONS SERVICE BETWEEN THE UNITED STATES AND OVERSEAS AND FOREIGN POINTS

ORDER FOR FURTHER HEARING ON STATED ISSUES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of October 1948;

The Commission, having under consideration a joint petition filed on September 15, 1948, by All America Cables and Radio, Inc., the Commercial Cable Company, and Mackay Radio and Telegraph Company, requesting, among other things, that the Commission reconsider its order of August 25, 1948, herein, denying a prior joint petition of said carriers for reconsideration of its order of April 22, 1948, herein; that the Commission reopen the record of the proceeding to receive, without further hearing, certain additional data relating to the petitioning carriers purporting to bring the record up to date and to show the present revenue requirements of the petitioners, and that certain rate increases additional to those already authorized herein be authorized, upon the basis of the record as so supplemented; also having under consideration a petition filed on September 15, 1948, by RCA Communications, Inc., requesting, among other things, that the Commission reopen the record of the proceeding herein to incorporate therein, without further hearing, certain additional data purporting to bring the record up to

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

date as to all the respondent carriers and to show the present revenue requirements of the petitioner; that the Commission, upon the basis of such data and the entire record, forthwith authorize certain rate increases additional to those already authorized herein, and that thereafter the Commission proceed to issue its proposed report herein, in which consideration should be given to the entire record, including the data tendered in the petition; and also having under consideration the record herein;

It appearing, that the record of the proceeding herein should not be supplemented by the data referred to in said petitions without a further hearing, in which their significance to the rate increases sought may properly be the subject of inquiry and investigation, and the relation of the facts purported to be established thereby to the rate proposals of the petitioners be properly determined;

It further appearing, that rate increases as substantial as those sought by the above petitioners should not be permitted unless found by the Commission, after a public hearing, to be justified;

It further appearing, that of the carriers respondent herein, only the above petitioners and the Commercial Pacific Cable Company have, subsequent to the Commission's order of April 22, 1948, requested rate increases additional to those already authorized herein, and that the Commission cannot reasonably consider rate increases to points served by competing carriers, at the request of certain of the carriers only, without consideration of the revenue requirements of their competitors and of the possibility that the latter may not need or desire further rate increase authorizations;

It further appearing, that although the record of the proceeding herein should not be reopened to receive without further hearing the data referred to in the petitions under consideration, the record should be brought up to date, in view of the time that has elapsed since the close of the record, and that a public hearing should be held at which the respondent carriers herein would be enabled to show their current earning conditions, and the relation thereof to any additional rate increases which may be indicated thereby;

It is ordered, That the above petition of RCA Communications, Inc., and the above joint petition of All American Cables and Radio, Inc., the Commercial Cable Company, and Mackay Radio and Telegraph Company, filed September 15, 1948, insofar as the carriers thereby request further rate increases without a further hearing, are denied, and in all other respects, they shall be given consideration on the basis of a further hearing herein;

It is further ordered, That a further public hearing be held herein at the offices of the Commission in Washington, D. C., commencing on November 15, 1948, which hearing shall be directed to the following matters:

(1) The receipt of evidence bringing up to date the revenue requirements of the respondents herein;

(2) Whether any further immediate rate increases for any of the respondent carriers are justified, pending determination of the issues herein through the usual proposed report procedures; and

(3) If immediate additional rate increases are warranted, the extent and nature of such increases.

It is further ordered, That Commissioner Robert F. Jones is authorized to preside at said hearing and otherwise to conduct the proceedings herein.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9445; Filed, Oct. 26, 1948; 8:52 a. m.]

CUBAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 27, 1948.

Notification under provisions of part III, section 2 of North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Cuban broadcast stations modifying appendix containing assignments of Cuban broadcast station (Mimeograph 47983) attached to the recommendations of North American Regional Broadcasting Agreement Engineering Meeting, January 31, 1941 Cuban Change List Number 43.

CUBA

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
CMZ	Havana	690 kilocycles (changed to 1010 kilocycles) 15 kw—DA.	U	II	March 1949.
CMBG	do				
CMX	do	1010 kilocycles (provisionally suspended) 10 kw—DA.	U [1]	I-B	Do.
CMZ	do		U	IV	Do.
CMKA	La Maya, Oriente	1250 kilocycles 250 w.			
CMBG	Havana	1390 kilocycles (changed to 690 kilocycles) 250 w.	U	IV	In operation.
CMBX	do				
CMHU	Cienfuegos, L. V.	1450 kilocycles (change of call letters from CMHM).	-------	-------	

[1] Station CMZ will utilize on 1010 kilocycles the same directional antenna system which has been used by station CMX.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9442; Filed, Oct. 26, 1948; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6172]

SHO-ME POWER CORP.

NOTICE OF APPLICATION

OCTOBER 21, 1948.

Notice is hereby given that on October 20, 1948, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Sho-Me Power Corporation, a corporation organized under the laws of the State of Missouri and doing business in said State with its principal busines office at Marshfield, Missouri, seeking an order authorizing the sale of portions of Applicant's electric facilities and properties as follows: the sale of Applicant's electric facilities located in the City of Cuba, Missouri, to said City of Cuba, a municipal corporation of the State of Missouri, for a consideration stated in the application to be $55,680, subject to certain adjustments; the sale of Applicant's electric generating plant, transmission and distribution lines and certain other properties in the town of Puxico, and elsewhere in Stoddard County, Missouri, to the Ozark Border Electric Cooperative, for a consideration stated in the application to be $65,522, subject to certain adjustments; and the sale by Applicant of all its electric transmission and distribution lines and facilities, sub-stations and appurtenances thereto, located in the Counties of Bollinger, Cape Girardeau, Stoddard and Scott, Missouri, to Scott-New Madrid-Mississippi Electric Cooperative, for a consideration stated in the application to be $98,068, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of November, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9361; Filed, Oct. 26, 1948; 8:50 a. m.]

TELLURIDE POWER CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ELECTRIC PLANT ACQUISITION ADJUSTMENTS AND ELECTRIC PLANT ADJUSTMENTS

OCTOBER 21, 1948.

Notice is hereby given that, on October 19, 1948, the Federal Power Commission issued its order entered October 19, 1948, approving and directing disposition of amounts classified in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9424; Filed, Oct. 26, 1948; 8:46 a. m.]

[Docket No. E-6164]

OTTER TAIL POWER CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 21, 1948.

Notice is hereby given that, on October 19, 1948, the Federal Power Commission issued its supplemental order entered October 19, 1948, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9420; Filed, Oct. 26, 1948; 8:46 a. m.]

[Docket Nos. G-1095, G-1102]

CONSUMERS GAS CO. AND COLORADO-WYOMING GAS CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 21, 1948.

Notice is hereby given that, on October 20, 1948, the Federal Power Commission issued its findings and orders entered October 19, 1948, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9421; Filed, Oct. 26, 1948; 8:46 a. m.]

[Docket No. IT-5516]

BLAIR VENEER CO.

NOTICE OF ORDER TERMINATING AUTHORIZATION TO EXPORT ELECTRIC ENERGY TO CANADA AND ACCEPTING SURRENDER OF PRESIDENTIAL PERMIT

OCTOBER 21, 1948.

Notice is hereby given that, on October 20, 1948, the Federal Power Commission issued its order entered October 19, 1948, terminating authorization to export electric energy to Canada and accepting surrender of Presidential Permit in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9422; Filed, Oct. 26, 1948; 8:46 a. m.]

[Projects Nos. 1894, 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF ORDER APPROVING EXHIBITS

OCTOBER 21, 1948.

Notice is hereby given that, on October 21, 1948, the Federal Power Commission issued its order entered October 19, 1948, approving exhibits in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9423; Filed, Oct. 26, 1948; 8:46 a. m.]

[Docket No. E-6157]

DEPARTMENT OF THE INTERIOR

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER FROM ALLATOONA PROJECT

OCTOBER 22, 1948.

Notice is hereby given that the Secretary of the Department of the Interior has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887), the rates and charges embodied in a proposed agreement dated August 3, 1948, providing for the sale of power and energy generated at the Allatoona project to Georgia Power Company. The project is being constructed by the Government on the Etowah River near Cartersville, Georgia. It will have an initial installation of two units rated at 36,000 kw each and one unit rated at 2000 kw, and is expected to be completed in the latter part of 1949.

The rates and charges provided for in the proposed agreement are to be effective for a ten-year period after date of initial delivery, unless cancelled by either party on three years' notice. Delivery and metering of such power to the Georgia Power Company will be at 115 kv, with the company to schedule operations of the power plant in such a way as to make the most effective use of the available equipment and reservoir storage capacity. Release of water from the project reservoir will be subject to regulation by the Corps of Engineers, Department of the Army.

The proposed agreement further provides that the company will supply, either from project generation or from its other system sources, up to 2,500,000 kwh (designated as "Government energy") in any calendar week to the Government for sale to other customers, with the portion of such energy supplied from other system sources being considered as energy exchanged for peak project energy supplied to the company, except that the energy supplied by the company from its other sources in the off-peak period is to be compensated for by the Government at the rate of 1.0 peak kwh for each 1.2 kwh supplied in the off-peak period.

The rates and charges to be paid by Georgia Power Company for power and net energy delivered under the proposed agreement are as follows:

$32,500 per month when one 36,000 kw unit is available.

$42,500 per month when two 36,000 kw units are available. (A unit is considered available for the first thirty days of any period of outage).

3.5 mills per kwh for on-peak energy.

2.0 mills per kwh for off-peak energy.

2.0 mills per kwh for energy equivalent of water wasted.

Less: (1) $1.00 per month per kw of Government power. (2) 3.5 mills per kwh for on-peak Government energy not compensated for by exchange. (3) 3.5 mills for each 1.2 kwh of off-peak Government energy not compensated for by exchange.

The proposed contract makes no provision for compensating the Government for benefits accruing to downstream plants of the Georgia Power Company or its affiliates as a result of storage or release of water in or from the Allatoona project.

Any person desiring to make comments or suggestions for consideration with respect to the foregoing rates and charges embodied in the proposed agreement, which agreement is on file with the Commission and available for inspection, should submit the same on or before November 10, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9484; Filed, Oct. 26, 1948; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5520]

ALLIED RADIO CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 20th day of October A. D. 1948.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Friday, November 5, 1948, at two o'clock in the afternoon of that day (central standard time), in Room 1103, New Post Office Building, Chicago, Illinois.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-9437; Filed, Oct. 26, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-25, 59-11, 59-17]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING AND APPROVING DISTRIBUTION AND TRANSFER OF STOCK

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of October A. D. 1948.

In the matter of the United Light and Railways Company, and American Light & Traction Company, et al. File Nos. 59-11, 59-17 and 54-25.

The Commission by order dated December 30, 1947, having approved the plan, designated Application No. 31, as amended, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), by The United Light and Railways Company and American Light & Traction Company ("American Light"), registered holding companies, which provided, inter alia, for the distribution and transfer by American Light quarterly, during 1948, to its common stockholders, as dividends in kind in lieu of cash dividends, of shares of the common stock of The Detroit Edison Company ("Detroit Edison") of the par value of $20 per share, at the rate of one share of such Detroit Edison stock for each 75 shares of common stock of American Light owned (together with cash in lieu of fractional shares); and said order of December 30, 1947 having recited, among other things, that the distribution and transfer by American Light to its common stockholders, as dividends in kind, of such common stock of Detroit Edison at the aforesaid rate are necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and the Commission having in said order reserved jurisdiction, inter alia, to take such further action and to enter such further orders as may be deemed appropriate in connection with the Plan, the transactions incident thereto and the consummation thereof, and as may be necessary to secure full compliance with the Act; and

The Board of Directors of American Light having declared a dividend on the outstanding common stock of the company, payable November 1, 1948, to stockholders of record at the close of business September 30, 1948, in shares of common capital stock of the par value of $20 per share of Detroit Edison, at the rate of one share of such stock of Detroit Edison for each 75 shares of the common stock of American Light outstanding on the record date (together with cash in lieu of fractional shares), such dividend having been declared pursuant to section 11 (e) plan and the Commission's order of December 30, 1947, approving the same; and

American Light having requested the Commission to issue a supplemental order with respect to said dividend distribution, conforming to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended; and the Commission deeming it appropriate to grant such request;

It is hereby ordered and recited, That the distribution and transfer by American Light on November 1, 1948 to its common stockholders, as a dividend in kind of 33,779 shares of common capital stock of Detroit Edison of the par value of $20 per share (out of Certificate No. K-147), all as contemplated by the amended plan and the Commission's order of December 30, 1947, approving said plan, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized and approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9429; Filed, Oct. 26, 1948; 8:47 a. m.]

[File No. 70-1369]

NORTH AMERICAN CO.

SUPPLEMENTAL ORDER PERMITTING SALE AND TRANSFER OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of October 1948.

The Commission having issued an order on April 14, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("Act"), in proceedings concerning The North American Company ("North American"), a registered holding company and its subsidiary companies, File No. 59-10, which requires, among other things, that North American sever its relationship with Pacific Gas and Electric Company ("Pacific"), in any appropriate manner not in contravention of the provisions of the act, and the rules and regulations promulgated thereunder, by disposing or causing the disposition of its direct or indirect ownership, control and holdings of securities issued and properties owned, controlled or operated by Pacific; and

North American having, commencing July 1, 1943, and continuing through April 1, 1947, distributed to its stockholders an aggregate of 1,166,428 shares of Pacific Common Stock; and having, in 1945, and on October 15, 1948, sold, respectively, 700,000 and 75,000 shares of such stock; and proposing to make, on November 1, 1948, a further disposition to its stockholders of 89,104 shares of such stock pursuant to an order of this Commission dated September 3, 1948 (File No. 70-1915); and

North American having, in File No. 70-1915, notified the Commission, pursuant to Rule U-44 (c) promulgated under said act, that in compliance with the aforementioned order, dated April 14, 1942, it proposes, as soon as practicable, to sell for cash, on the New York Stock Exchange, 2,563 shares of Pacific Common Stock, said shares being the balance of such stock which will remain after the aforesaid distribution to be made on November 1, 1948, and no filing having been required by the Commission with respect to said sale; and

North American having requested that the Commission issue an order conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code; and

It appearing appropriate to the Commission that an order, as requested, should issue:

It is ordered and recited and the Commission finds, That the proposed sale and transfer by The North American Company of 2,563 shares of Pacific Gas and Electric Company Common Stock (represented by Certificates Nos. NC-155805 to NC-155829, inclusive, and NF-365278), as heretofore authorized or permitted by the Commission, is necessary or appropriate to the integration or simplification of the holding company system of which The North American Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9428; Filed, Oct. 26, 1948; 8:47 a. m.]

[File Nos. 70-1953, 70-1956]

SIOUX CITY GAS AND ELECTRIC CO. AND IOWA PUBLIC SERVICE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 21st day of October 1948.

In the matter of Sioux City Gas and Electric Company, Iowa Public Service Company, File 70-1956; Sioux City Gas and Electric Company, File 70-1953.

Sioux City Gas and Electric Company ("Sioux City"), a registered holding company and a public utility company, having filed a declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 (the "Act"), and Sioux City and its subsidiary, Iowa Public Service Company ("Iowa"), also a public utility company and a registered holding company, having filed a joint application and declaration and amendments thereto pursuant to sections 6 (a), 7, 9, 10 and 12 (f) of the act and Rules U-43 and U-50 thereunder regarding the following proposed transactions:

Iowa proposes to issue and sell, in accordance with the competitive bidding requirements of Rule U-50, $3,000,000 principal amount of its First Mortgage Bonds to be dated as of November 1, 1948 and to mature in 1978.

Iowa also proposes to issue and sell, at a price subsequently to be determined but to be not less than $15.00 per share, 109,866 additional shares of its authorized but unissued $15 par value common stock by means of the issuance of trans-

ferable subscription warrants to its common stockholders. Sioux City proposes to subscribe for and purchase the 67,257 shares to which it will be entitled to subscribe by reason of its ownership of 403,545 shares of the issued and outstanding stock of Iowa. Sioux City further proposes to purchase any of the remaining 42,609 shares which are not subscribed for by the public holders of Iowa's common stock.

Sioux City proposes to issue and sell $1,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, 3% series, to be dated as of October 1, 1948, and to mature in 1978, at private sale to the New York Life Insurance Company at 99½% of the principal amount and accrued interest to the date of delivery.

Sioux City also proposes to issue and sell 71,362 shares of its authorized but unissued $12.50 par value common stock for a price of $25 per share by means of the issuance of transferable subscription warrants to its common stockholders.

The said application and declarations having been duly filed and the last amendment thereto having been filed on October 19, 1948, and notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the said application and declarations within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application and declarations, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application and declarations, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that the said application and declarations be and the same hereby are granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the following further terms and conditions:

(1) That the proposed issuance and sale of bonds and common stock of Iowa shall not be consummated until the results of the competitive bidding for the bonds and the subscription price of the common stock of Iowa have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being hereby reserved for the imposition thereof.

(2) That jurisdiction is reserved with respect to the payment of any and all fees and expenses incurred, or to be incurred, by Sioux City or Iowa in connection with the proposed issuance and sale of the securities of Iowa.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9427; Filed, Oct. 26, 1948; 8:47 a. m.]

[File No. 70-1973]

ENGINEERS PUBLIC SERVICE CO., INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of October A. D. 1948.

Notice is hereby given that Engineers Public Service Company (Incorporated), a registered holding company now in process of liquidation pursuant to a plan approved under section 11 (e) of the Public Utility Holding Company Act of 1935, has filed an application pursuant to sections 9 (a) (1) and 10 of said act, with respect to the following transaction:

Applicant owns 162,612 shares (approximately 5.5%) of the common stock of Virginia Electric and Power Company. The latter company has proposed to issue to the holders of record of its common stock on November 12, 1948 rights to subscribe to additional common stock on the basis of one additional share for each four shares then held, at a price to be determined on or about said date. Such rights must be exercised on or before 3:30 p. m. on December 1, 1948.

The instant application relates to the acquisition by applicant of its ratable share of such rights on or about November 15, 1948. Thereafter, applicant proposes to sell said rights through or to various members of the New York Stock Exchange during the subscription period. Applicant considers that the sale of said rights is exempt from section 12 (d) of the act by virtue of Rule U-44 (b) of the general rules and regulations promulgated under the act.

It is stated that no State commission and no other Federal commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 4, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application which he proposes to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 4, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of said rules and regulations, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9426; Filed, Oct. 26, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12007]

CHIZU MITAMURA

In re: Bonds owned by Chizu Mitamura.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chizu Mitamura, whose last known address is Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Eight (8) U. S. Savings Bonds, Series E, of $100 maturity value each, bearing the numbers C 15349549 E, C 15349550 E, C 15349551 E, C 15349552 E, C 23184574 E, C 23184575 E, C 23184577 E, C 23184578 E, registered in the name of Chizu Mitamura, and presently in the custody of R. Y. Mitamura, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON, *Acting Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-9452; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12008]

YONETOSHI OKANO

In re: Bank account owned by Yonetoshi Okano. F–39–6119–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yonetoshi Okano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yonetoshi Okano, by Bank of Hawaii, King and Bishop Streets, Honolulu 2, T. H., arising out of a savings account, Account Number 154597, entitled Yonetoshi Okano, maintained with said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–9453; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12009]

YONEICHI OOKATA

In re: Debt owing to Yoneichi Ookata, also known as Y. Okata. F–39–4145–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoneichi Ookata, also known as Y. Okata, whose last known address is Hiroshima-ken, Saiki-gun, Itsukuichi-machi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yoneichi Ookata, also known as Y. Okata, by Shinichi Oka, 152 Pauaki Street, Honolulu, T. H., in the amount of $238, as of December 31, 1945, evidenced by a note in the principal sum of $200, dated July 8, 1933, issued by Shinichi Oka, and presently in the custody of National Mortgage & Finance Company, Ltd., 1030 Smith Street, Honolulu, T. H., and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–9454; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12064]

KIWA HIRATA

In re: Bank account owned by Kiwa Hirata. F–39–6058–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiwa Hirata whose last known address is Agenosho, Oshima, Yamaguchi Prefecture, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kiwa Hirata by Bishop National Bank of Hawaii at Honolulu, King & Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 45511, entitled Kiwa Hirata, maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–9455; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12103]

CONRAD MANZ

In re: Estate of Conrad Manz, deceased. File D–28–12419; E. T. sec. 16636.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Eberlein, nee Manz, and Lina Wischniakow, nee Manz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Conrad Manz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John M. Niven, as administrator, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9456; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12118]

REV. C. ACHTELIK

In re: Estate of Rev. Charles Achtelik, a/k/a Rev. C. Achtelik, deceased. File No. D-28-10164; E. T. sec. 14465.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Regina Buchner, Johanna Speke, Margarethe Leitheiser, Barbara Achtelik, and Joseph Achtelik, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Alois Achtelik, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Rev. Charles Achtelik, also known as Rev. C. Achtelik, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Rev. Raymond H. Bornbach, administrator c. t. a., acting under the judicial supervision of the County Court of Wood County, Wisconsin;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Alois Achtelik, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9457; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12125]

ADELHEID HORNING

In re: Estate of Adelheid Horning, deceased. D-28-12330; E. T. sec. 16536.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adelheid Schneider and Anna Schneider, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Adelheid Horning, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert Homberg, as Executor, acting under the judicial supervision of the County Court of Kankakee County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9458; Filed, Oct. 26, 1948; 8:57 a. m.]

[Vesting Order 12129]

ANNA B. LINDEMANN

In re: Trust under will of Anna B. Lindemann, deceased. File No. F-28-14917.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alma Lindemann, Frieda Lindemann, Martha Lindemann, Helene Schultze, Mrs. Hilde Buhlert-Neumann and Freifrau Anna von Braunhedreus whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That Jochen Buhlert, the issue of Jochen Buhlert and of Hilde Buhlert Neumann, names unknown, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Ernst Buhlert, deceased and of Elisabeth Buhlert Guth, deceased, names unknown, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That Hauseatische Verlagsanstalt and Gottingen University, whose last known addresses are Germany, are corporations, partnerships, associations or other organizations, organized under the laws of Germany, which have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof and each of them in and to the trust created under Item Ninth of the will of Anna B. Lindemann, deceased, and presently being administered by the Hawaiian Trust Company, Ltd., Honolulu, T. H., is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, Jochen

Buhlert, Hauseatische Verlagsanstalt, Gottingen University, the issue of Jochen Buhlert and of Hilde Buhlert-Neumann, names unknown, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Ernst Buhlert, deceased and of Elisabeth Buhlert Guth, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9459; Filed, Oct. 26, 1948; 8:57 a. m.]

[Vesting Order 12165]

KENSHU MURAKAMI

In re: Stock and bank accounts owned by, and a debt owing to Kenshu Murakami, also known as K. Murakami. D-39-566-A-1, D-39-566-C-1, D-39-566-D-1, D-39-566-E-1, D-39-566-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenshu Murakami, also known as K. Murakami, whose last known address is Nara City, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Five (5) shares of $20 par value common capital stock of International Enterprises, Ltd., Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 639, registered in the name of Kenshu Murakami, presently in the custody of Ichiro Sato, doing business as Komatsuya Hotel, 491 North King Street, Honolulu, T. H., together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Account Number 12165 and Receiver's Liability Number 5529, entitled Kenshu Murakami, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Sumitomo Bank of Hawaii, in Dissolution, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Account Number 15565 and Receiver's Liability Number 1780, entitled K. Murakami, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Kenshu Murakami, also known as K. Murakami, by Ichiro Sato, doing business as Komatsuya Hotel, 491 North King Street, Honolulu, T. H., in the amount of $30.57, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9460; Filed, Oct. 26, 1948; 8:57 a. m.]

[Vesting Order 12208]

ELISE MITSCH

In re: Bonds owned by Elise Mitsch. F-28-28804-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Mitsch, whose last known address is Friedrichstrasse 1, (16) Heppenheim, Bergstrasse, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. One (1) The Laclede Gas Light Company First Mortgage Bond, of $1,000 face value, bearing the number M6365, presently in the custody of Monsignor Martin B. Hellriegel, 8115 Church Road, St. Louis 15, Missouri, together with any and all rights thereunder and thereto,

b. One (1) Kentucky Utilities Company First Mortgage Bond, Series A, of $1,000 face value, bearing the number M91, presently in the custody of Monsignor Martin B. Hellriegel, 8115 Church Road, St. Louis 15, Missouri, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to Elise Mitsch, by Monsignor Martin B. Hellriegel, 8115 Church Road, St. Louis, Missouri, in the amount of $577.50, as of August 26, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9416; Filed, Oct. 25, 1948; 8:53 a. m]